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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CC81-0552-M

JAMES S. PRICE,)
)
 Plaintiff,)
)
 vs.)
)
 JOHNS-MANVILLE SALES)
 CORPORATION and JOHNS-)
 MANVILLE AMIANTE CANADA,)
 INC.,)
)
 Defendants.)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

IN RE:)
)
ASBESTOSIS CASES)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

gk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

DONALD A. HEIRONIMUS, As Personal
Representative of the Estate of
OVAL EDGAR HEIRONIMUS

vs.

) No. EV 81-88-C

ATLAS ASBESTOS COMPANY, LTD., A
Division of Bell Asbestos Mines,
Ltd., et al

CHARLES WILEY MATTOX and
GARNETT IRENE MATTOX,

vs.

) No. EV 81-212-C

A C & S, INC., et al

JOHN BOONE,
BETTY J. BOONE,
RALPH DUNKEL and
KATHLEEN ANN DUNKEL

vs.

) No. EV 81-213-C

A C & S, INC., et al

MARTEA JANE TUCKER, Personal
Representative of the Estate of
ROBERT C. TUCKER, Deceased

vs.

) No. EV 80-168-C

JOHNS-MANVILLE SALES CORPORATION, et al

DEPOSITION OF DR. DANIEL CARL BRAUN

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2068

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DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to
the Federal Rules of Civil Procedure, by and before
Richard E. Powers, a Registered Professional Reporter
and a Notary Public in and for the Commonwealth of
Pennsylvania, at the University Club, 123 University
Place, Pittsburgh, Pa., on Wednesday, May 5, 1982, at
10:00 a.m.

gk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ELEANOR L. PLAS, Extrx. of the) CIVIL ACTION NO. C78-946
Estate of Edward Leroy Plas,)
Deceased, et al.,) JUDGE JOHN M. MANOS
)
Plaintiffs,)
)
vs.)
)
BETHLEHEM STEEL CORPORATION,)
et al.,)
)
Defendants.)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

HUGH F. TEFFT, et ux, et al.,)
Plaintiffs,) NO. C80-924M
vs.)
A. C. & S., INC., et al.,)
Defendants.)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15212

PHONE: (412) 263-2088

qk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE: MINNESOTA ASBESTOSIS-RELATED LITIGATION

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

gk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Roger N. Grenier,)
)
Plaintiff,)
)
vs.) Civil Action No. 81-123-L
)
Johns-Manville Sales)
Corporation, et al.,)
)
Defendants.)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2086

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THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

JANUARY TERM, 1982

C-81-173

Roger Morissette

30

Johns-Manville Sales Corporation, et al.

C-91-164

Robert J. deRepentigny and Yvette deRepentigny

8

Johns-Manville Sales Corporation, et al.

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken by and before
Richard E. Powers, a Registered Professional Reporter and
a Notary Public in and for the Commonwealth of Pennsylvania,
at the University Club, 123 University Place, Pittsburgh,
Pa., on Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

gk

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

PASQUALE SQUILLANTE)

)

vs.)

)

BETHLEHEM STEEL CORP. and)
JOHNS-MANVILLE CORP.)

C.A. File No.: 77-48

vs.)

)

BENJAMIN FOSTER COMPANY,)
et al.)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken by and before
Richard E. Powers, a Registered Professional Reporter and
a Notary Public in and for the Commonwealth of Pennsylvania,
at the University Club, 123 University Place, Pittsburgh,
Pa., on Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

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IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

WILLIE D. IVEY and)
MARY JANE IVEY,)
Plaintiffs,) CIVIL ACTION NO.
vs.) 81-1896
JOHNS-MANVILLE SALES CORPORATION,)
a Delaware corporation, et al.,)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken by and before
Richard E. Powers, a Registered Professional Reporter and
a Notary Public in and for the Commonwealth of Pennsylvania,
at the University Club, 123 University Place, Pittsburgh,
Pa., on Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

gk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ANTONIO C. MIRANDA, et al.,)
)
)
 vs.) C. A. NO: 80-0217
)
JOHNS-MANVILLE PRODUCTS)
CORPORATION, et al.)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

gk

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

IN RE MASSACHUSETTS) M.B.L. NO. 1
ASBESTOS CASES)
) M.B.L. NO. 2

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa.,
on Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

gk

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NORTH DAKOTA
Southeastern Division

IN RE: ASBESTOSIS CASES) Civil No. A3-81-02
) Civil No. A3-81-103
) Civil No. A3-81-194

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE: ASBESTOS-RELATED LITIGATION) C/A No. MDCP-82-1

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2068

gk

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

HENRY APPLING, et al.,)
Plaintiffs,)
vs.) CIVIL ACTION NO.
OWENS-CORNING FIBERGLAS) 81-2254-M
CORPORATION, et al.,)
Defendants.)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

gk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GEORGETTE BRADY AS REPRESENTATIVE
OF THE ESTATE OF FRANK G. BRADY

C.A. NO. 79-0626B

vs.

JOHNS-MANVILLE SALES
CORPORATION, et al.

EDWARD HACKETT, JR., et al.

C.A. NO. 80-0154

vs.

JOHNS-MANVILLE CORPORATION, et al.

LEO C. DUNN, et al.

C.A. NO. 81-0076

vs.

JOHNS-MANVILLE CORPORATION, et al.

ANTHONY BETTENCOURT

C.A. NO. 80-0602

vs.

JOHNS-MANVILLE CORPORATION, et al.

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2068

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

IN RE:)	CAUSE NO. 81-2-08702-7
KING COUNTY ASBESTOS CASES OF LEVINSON, FRIEDMAN, VHUGEN, DUGGAN, BLAND & HOROWITZ)
-----)
IN RE:)	CAUSE NO. 81-2-08703-5
KING COUNTY ASBESTOS CASES OF SCHROETER, GOLDMARK & BENDER)
-----)
IN RE:)	CAUSE NO. 81-2-08704-3
KING COUNTY ASBESTOS CASES OF BANGS, CASTLE, SCHNAUTZ & HILPER))
-----)
IN RE:)	CAUSE NO. 81-2-08705-1
KING COUNTY ASBESTOS CASES OF DODD, CONEY & BISHOP)
-----)
IN RE:)	CAUSE NO. 81-2-08706-0
KING COUNTY ASBESTOS CASES OF MACCUTCHEON & GROSHONG)
-----)
IN RE:)	CAUSE NO. 81-2-17287-3
KING COUNTY ASBESTOS CASES OF WATTHEW, WARNER, KEEFE, ARRON, COSTELLO & THOMPSON)
-----)

DEPOSITION OF DR. DANIEL CARL BRAUN

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2068

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DEPOSITION OF DR. DANIEL CARL BRAUN, a
witness called in behalf of the Plaintiffs, taken
by and before Richard E. Powers, a Registered Profes-
sional Reporter and a Notary Public in and for the
Commonwealth of Pennsylvania, at the University Club,
123 University Place, Pittsburgh, Pa., on Wednesday,
May 5, 1982, at 10:00 a.m.

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOE McGRATH, et al.,)
)
Plaintiffs,)
)
vs.) CIVIL ACTION NO.
)
OWENS-CORNING FIBERGLAS) 81-2658-M
CORPORATION, et al.,)
)
Defendants.)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

ok

STATE OF MAINE
CUMBERLAND, SS.

SUPERIOR COURT
Docket Nos. CA 80-612 and
CA 80-866 (Consolidated)

BARBARA J. BEAULIEU.

1

Plaintiff.

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198

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AMATEX CORP., et al.,

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Defendants.

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BARBARA J. BEAULIEU,

1

Plaintiff,

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179

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THE ANCHOR PACKING COMPANY,
et al.,

1

Defendants.

1

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken by and before
Richard E. Powers, a Registered Professional Reporter and
a Notary Public in and for the Commonwealth of Pennsylvania,
at the University Club, 123 University Place, Pittsburgh,
Pa., on Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

gk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING

JOSEPH E. BROWN and)
JEAN BROWN,)
Plaintiffs,)
vs.) CIVIL ACTION NO. 82-0015-W(H)
JOHNS-MANVILLE SALES)
CORPORATION, ET AL.,)
Defendants.)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

gk

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: ASBESTOS - RELATED LITIGATION) MDCP-82-1

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

2 COUNSEL PRESENT:

3 For the Plaintiffs:

4 Charles W. Patrick, Jr., Esq.
5 Blatt & Fales
6 1611 Allen Street
7 Barnwell, S. C. 29812

8 For Deft. Johns-Manville:

9 Lane Young, Esq.
10 Freeman & Hawkins
11 618 Fulton Federal Building
12 Atlanta, GA 30335

13 For Defts. H. K. Porter and Southern Textile:

14 James M. Maher, Esq.
15 Howard, Kohn, Spxague & Fitzgerald
16 237 Buckingham Street
17 Hartford, Conn. 06106

18 For Defts. Eagle-Picher, Armstrong World and Keene
19 Corporation:

20 Herbert N. Rosenberg, Esq.
21 Rosenberg, Kirshner, Kaleagher & Winikoff
22 1000 Law & Finance Building
23 Pittsburgh, PA 15219

24 For Deft. J. P. Stevens:

25 Bruce M. Killion, Esq.
26 Willis & Holahan
27 955 Main Street
28 Bridgeport, Conn. 06604

29 For Deft. Pittsburgh Corning:

30 Thomas P. Lawton, III, Esq.
31 Reed, Smith, Shaw & McClay
32 747 Union Trust Building
33 Pittsburgh, PA 15219

2 COUNSEL PRESENT: (Continued)

3 For Deft. Raybestos-Manhattan:

4 Glenn E. Bost, II, Esq.
5 Thorp, Reed & Armstrong
6 2900 Grant Building
7 Pittsburgh, PA 15219

8 For Deft. Owens-Illinois, Inc.:

9 Michael V. Elsberry, Esq.
10 Mitchell, Loggins, Campbell & Elsberry
11 950 The Equitable Building
12 Atlanta, GA 30303

13 For Defts. Standard Asbestos, Revere, Eagle-Picher,
14 Fibreboard, Johns-Manville, Armstrong Cork,
15 H. K. Porter, Southern Textile, J. P. Stevens, Celotex,
16 Carey Canadian, Nicolet, Keene Corporation,
17 Baldwin-Ehret-Hill, and GAF Ruberoid (Washington cases
18 only):

19 Michael A. Small, Esq.
20 Preston, Thorgrimson, Ellis & Holman
21 2000 IBM Building
22 Seattle, WA 98101

23 For Deft. Keene Corporation:

24 Jerome Iwler, Esq.
25 Meyer, Darragh, Buckler, Bebenek & Eck
26 2500 Grant Building
27 Pittsburgh, PA 15219

28 For Deft. Fibreboard:

29 J. Michael Doherty, Esq.
30 Doherty & Robb
31 1475 Porter Building
32 Pittsburgh, PA 15219

33 For Deft. GAF:

34 Ronald J. Rademacher, Esq.
35 Tucker, Arensberg, Very & Ferguson
36 1200 PNB Building
37 Pittsburgh, PA 15212

1
2 COUNSEL PRESENT: (Continued)

3 For the Witness and Industrial Health Foundation:

4 W. McCook Miller, Jr., Esq.
5 Kirkpatrick, Lockhart, Johnson & Hutchison
6 1500 Oliver Building
7 Pittsburgh, PA 152228
9 I N D E X
10
11

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Dr. Daniel Carl Braun				
by Mr. Patrick	20	-	116	-
by Mr. Young	-	45	-	-
by Mr. Small	-	112	-	-
by Mr. Lawton	-	115	-	-
by Mr. Moher	-	-	-	118
by Mr. Rosenberg	-	-	-	123
by Mr. Iwler	-	-	-	125

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1 I N D E X (Continued)

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4	<u>BRAUN</u> <u>EXHIBITS</u>	5	<u>PAGE</u>	6	<u>BRAUN</u> <u>EXHIBITS</u>	7	<u>PAGE</u>	8	<u>BRAUN</u> <u>EXHIBITS</u>	9	<u>PAGE</u>
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14	<u>J-M</u> <u>EXHIBITS</u>	15	<u>PAGE</u>	16	<u>J-M</u> <u>EXHIBITS</u>	17	<u>PAGE</u>	18	<u>J-M</u> <u>EXHIBITS</u>	19	<u>PAGE</u>
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	9		87		17A		95		27		109
	10		87		18		96		28		110
							29				112

DEPOSITION CORRECTION SHEET

ESS: D. C. BRAND

TITLE: DEPOSITION - 7/5/82

TO: POWERS & GARRISON
610 Manor Building
Pittsburgh, PA 15219

A handwritten signature in black ink, appearing to read "John C. Brown, M.D." The signature is fluid and cursive, with "John" and "Brown" being the most prominent parts.

PROCEEDINGS

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MR. PATRICK: This is the deposition of Dr. Daniel Braun, the subpoena of which was issued out of the Middle District of North Carolina. This deposition has been noticed in the Middle District of North Carolina for those cases entitled IN RE: ASBESTOS - RELATED LITIGATION.

It is a multi-jurisdictional deposition and has been noticed in the following jurisdictions. I will read a list of those cases of which I am presently aware that the deposition has been noticed.

This deposition has been noticed for the United States District Court for the Northern District of West Virginia at Wheeling in the case of Joseph E. Brown and Jean Brown, Plaintiffs, versus Johns-Manville.

It has been noticed in the State of Maine for Cumberland Superior Court in the case of Barbara J. Beaulieu versus Amatex Corporation.

It has been noticed for the United

1 Mr. Patrick

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3 States District Court for the District of
4 Rhode Island in the IN RE: RHODE ISLAND
5 ASBESTOSIS CASES, and it applies to all
6 Rhode Island Asbestosis No. 1 Cases.

7 It has been noticed in the Superior Court
8 for the State of Washington for King County
9 and the following asbestos cases of the
10 following law firms, as listed on the notice:
11 Levinson, Friedman, Vhugen, Duggan, Bland &
12 Horowitz; the King County asbestos cases of
13 Schroeter, Goldmark & Bender; the King County
14 asbestos cases of Bangs, Castle, Schnautz &
15 Hilfer; the King County asbestos cases of
16 Dodd, Coney & Bishop; and the King County
17 asbestos cases of McCutcheon & Groshong.

18 This deposition has also been noticed in
19 the cases of Joe McGrath, et al., Plaintiffs,
20 versus Owens-Corning Fiberglas Corporation,
21 with the cases pending in the United States
22 District Court for the Western District of
23 Tennessee, Western Division. Also pending in
24 the Western District of Tennessee, Western
25 Division, in the case of Henry Appling, et al.

1 Mr. Patrick

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3 Plaintiffs, versus Owens-Corning Fiberglas.

4 The deposition has been noticed in those
5 cases.

6 The deposition has been also noticed for
7 the United States District Court for the State
8 of North Dakota, Southeastern Division, in
9 the IN RE: ASBESTOS CASES.

10 The deposition has been noticed for the
11 IN RE: ASBESTOS LITIGATION pending in the
12 Eastern District of North Carolina, those
13 cases having been consolidated for discovery
14 by Judge Dupre.

15 This deposition has been noticed in the
16 IN RE: MASSACHUSETTS ASBESTOS CASES, these
17 cases pending in the District of
18 Massachusetts.

19 This deposition has been noticed in the
20 case of Antonio C. Miranda, et al.,
21 Plaintiffs, versus Johns-Manville Products
22 Corporation, this case pending in the
23 District of Rhode Island.

24 Also in the State of Rhode Island,
25 Superior Court of Providence, this case has

1 Mr. Patrick

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been noticed in the case of Pasquale Squillante versus Bethlehem Steel Corporation.

Also in the State of West Virginia, Circuit Court of Cabell County, the deposition has been noticed in the cases of Willie D. Ivey and Mary Jane Ivey, Plaintiffs, versus Johns-Manville.

The deposition is also being taken for the State of New Hampshire, Superior Court in the cases of Roger Morrissette versus Johns-Manville Sales Corporation and Robert J. deRepentigny and Yvette deRepentigny versus Johns-Manville Sales Corporation.

This deposition has been noticed in the case of Roger N. Greiner, Plaintiff, versus Johns-Manville Sales Corporation, this case pending in the District of New Hampshire in the United States District Court.

There is a notice also in the United States District Court for the District of Rhode Island in the cases of Georgette Brady versus Johns-Manville Sales Corporation and

1 Mr. Patrick
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Edward Hackett, Leo C. Dunn and
Anthony Bettencourt versus Johns-Manville
Corporation.

Notice has also been sent out for this
deposition in those cases captioned IN RE:
MINNESOTA ASBESTOS-RELATED CASES OF RECORD
pending in the United States District Court
for the District of Minnesota.

Also in the following cases pending in
the United States District Court for the
Western District of Washington: Hugh F. Tefft,
et al., versus A. C. & S., Inc., and
Margie Armstrong, et al., versus A. C. & S.,
Inc.

I believe that covers the list of
cases of which I am aware that notices have
been sent out. Plaintiffs' position would
be that the deposition is to be taken in
all cases in which notices have been properly
sent out to counsel and this is not an
exclusive listing of all notices that have
been sent out. There may be some notices
of which I am not aware.

1 Mr. Patrick

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3 Do any other counsel have any other
4 statements to place into the record?

5 MR. MILLER: I'd like to make one
6 comment. I'm McCook Miller, counsel for
7 Dr. Braun and also the Industrial Health
8 Foundation. Before the deposition started,
9 there was a motion and order signed by his
10 Honor, Judge Hubert Teitelbaum, of the
11 United States District Court for the Western
12 District of Pennsylvania, Proceedings
13 Miscellaneous No. 9091. It is here today
14 and we'd like to just indicate that this
15 proposed order, two-page order, was sent
16 along with the motion to all counsel listed
17 on the Notice of Deposition. The Court, of
18 course, does have jurisdiction and will
19 retain jurisdiction.

20 At this time I'd like to mark a
21 conformed copy of this order as Dr. Braun
22 Deposition Exhibit A.

23 (The document above referred to was
24 marked Dr. Braun Deposition Exhibit A for
25 identification.)

1 Mr. Young

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3 MR. YOUNG: On behalf of Johns-Manville,
4 we would object to the classification in the
5 alleged noticing of this deposition as a
6 multi-state or multi-jurisdictional deposi-
7 tion.

8 We further object on the grounds that
9 we have not been furnished copies of any and
10 all notices that have allegedly been filed
11 and, in fact, counsel for Plaintiffs has been
12 so kind as to state on the record that he is
13 not even sure of all of the courts in which
14 the deposition has been noticed, which is
15 further indication as to why we object to
16 this type of deposition.

17 We appear at the deposition on behalf
18 of Johns-Manville only insofar as a particu-
19 lar court in which the deposition was
20 properly noticed and all counsel were served
21 has specifically ruled that this type of
22 deposition is allowable in that court.

23 We further appear subject to any motions
24 to quash that have been filed or will be
25 filed, reserving any and all rights which we

1 Mr. Young

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3 have with respect to said motion and the
4 ultimate decision of the court with respect
5 to the motion; and we object to the multi-
6 jurisdictional nature of the deposition on
7 those grounds.

8 MR. RADEMACHER: My name is
9 Ronald Rademacher of the firm of Tucker,
10 Arensberg, Very & Ferguson of Pittsburgh, PA.
11 I represent GAF Corporation at this
12 deposition in those cases where (1) GAF
13 is a party and where GAF has been properly
14 served with a complaint or other appropriate
15 process; (2) where GAF has not raised any
16 jurisdictional objection; (3) where GAF has
17 been properly notified of this deposition;
18 and (4) where there is no outstanding order
19 of court which would preclude the taking
20 of this deposition.

21 My presence today is not to be deemed
22 a waiver of any jurisdictional objections
23 GAF may have in any such case, and all such
24 objections are expressly reserved.

25 (Discussion off the record.)

1 Mr. Iwler

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3 MR. IWLER: My name is Jerome Iwler from
4 the law firm of Meyer, Darragh, Buckler,
5 Bebenek & Eck. I'm here representing Keene
6 Corporation and Keene Building Products
7 Corporation, and I adopt the objections
8 stated on the record by counsel for Johns-
9 Manville and counsel for GAF.

10 MR. DOHERTY: My name is Michael Doherty
11 from the firm of Doherty & Robb. We
12 represent Fibreboard Corporation and any other
13 divisions of Fibreboard that may be named.
14 We join in the same objection.

15 MR. SMALL: My name is Michael Small.
16 I'm from the firm of Preston, Thorgrimson,
17 Ellis & Holman in Seattle. I'm here repre-
18 senting for the purposes of the cases
19 pending in the state courts of Washington
20 and the federal courts the following clients:
21 Standard Asbestos, Revere, Eagle-Picher,
22 Fibreboard, Johns-Manville, Armstrong Cork,
23 H. K. Porter, Southern Textile, J. P.
24 Stevens, Celotex, Carey Canadian, Nicolet,
25 Keene Corporation, Baldwin-Ehret-Hill, GAF

1 Mr. Small

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Ruberoid, and I adopt the same objections.

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MR. ELSBERRY: My name is Michael Elsberry.

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I'm here representing Owens-Illinois. We
adopt on behalf of Owens-Illinois the objec-
tions which have been stated; and, in addition,
we state the objection that, insofar as the
deposition is purported to be taken in the
Minnesota cases in which discovery has been
closed, it is unauthorized and contrary to
the judge's rulings and should not be used
in any of those cases.

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And in case it is not clear, we also
object to the deposition in any state in any
court in which it has not been properly and
appropriately noticed so as to give an
opportunity to counsel in each respective
state to determine what course of action to
take on behalf of his client in that state.

MR. BOST: I'm Glenn Bost from the firm
of Thorp, Reed & Armstrong, representing
Raybestos-Manhattan. We adopt the objections
that have been heretofore stated.

MR. LAWTON: Thomas Lawton of Reed,

1 Mr. Lawton

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3 Smith, Shaw & McClay on behalf of Pittsburgh
4 Corning Corporation. Pittsburgh Corning
5 Corporation joins in the objections heretofore
6 made.

7 MR. KILLION: Bruce M. Killion here for
8 J. P. Stevens. J. P. Stevens adopts all
9 foregoing objections.

10 MR. ROSENBERG: H. N. Rosenberg of
11 Rosenberg, Kirshner, Kaleagher & Winikoff.
12 I'm representing Eagle-Picher, Armstrong
13 World and Keene Corporation. I adopt all
14 objections that have been made heretofore
15 and all objections that will be made here-
16 after, unless I specifically state that I
17 will not participate in that objection.

18 MR. MOHER: Attorney James M. Moher.
19 I represent H. K. Porter, Inc., and the
20 Southern Textile Corporation, also known as
21 the Southern Asbestos Company. I likewise
22 join in all of the objections previously
23 stated by counsel with respect to the taking
24 of this deposition.

25 MR. PATRICK: Does that cover it for all

Mr. Patrick

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the Defendants?

MR. MOHER: I think the record should reflect that counsel for the Plaintiffs has agreed that, rather than have each of the attorneys recite the objections of counsel for J-M, Fibreboard and Owens-Illinois, you have agreed to the procedure we can just adopt those as they apply to our respective clients, and that should be stated on the record.

MR. PATRICK: All right. I think stated on the record also should be the fact that all objections, except as to the form of the question, are reserved until time of trial, with particular application to the examination we anticipate by Johns-Manville.

MR. MOHER: And the objection of any one of the Defendants will apply to all of the Defendants, so that we need not all echo the same objection.

MR. PATRICK: That's agreeable.

MR. SMALL: I would also like to note for the record that, at least in the notices

1 Mr. Small

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3 of deposition that were served in the cases
4 aforementioned pending in the State of
5 Washington, that this deposition was noticed
6 to take place at the offices of the Industrial
7 Health Foundation and then, without prior
8 notice to us, the place of the deposition
9 was changed to this location, the University
10 Club, and we would object to the deposition
11 on that further basis.

12 MR. PATRICK: It is my understanding that
13 an amended notice was sent out with the
14 change in place.

15 MR. SMALL: If that's the case, I have
16 never seen it, and the record will show what
17 was and wasn't sent out and who did and didn't
18 receive it.

19 MR. PATRICK: Okay. Why don't we
20 proceed.

21 (Discussion off the record.)

22 MR. PATRICK: On the record. The
23 statement that Mr. Moher had made about
24 the Defendants' statements Plaintiffs'
25 attorney is agreeable with.

1 Mr. Young

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3 MR. YOUNG: Charles, I have one other
4 thing. The documents that I am going to ask
5 Dr. Braun about have previously been marked
6 as exhibits to his deposition. Is it agree-
7 able with everyone here to just use those
8 prior exhibit numbers as opposed to having
9 this court reporter mark the exhibits?
10 Does anybody have any problem with that?

11 MR. PATRICK: That's perfectly agreeable
12 with me. I also have documents on which I
13 am to examine Dr. Braun that are documents
14 that were marked in a deposition taken
15 December 14, 1979. I would like for these
16 documents to also reflect the same exhibit
17 numbers as that deposition.

18 MR. IWLER: Do you know what case that
19 deposition was taken in?

20 MR. PATRICK: It was taken for the
21 Eastern District of Pennsylvania in the cases
22 of Clarence Johnson and Virginia Johnson
23 versus Turner Newall. That's the first
24 named case on the caption.

25 MR. YOUNG: And the documents that I

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have were taken in the Circuit Court of Tennessee for the Fifteenth Judicial Circuit, the Circuit Court of Knox County, Tennessee, the United States District Court for the Eastern District of Tennessee, and the United States District Court for the Western District of Texas, San Antonio Division, on March 11, 1981.

Just so you all won't forget, I have agreed to take the exhibits to this deposition and provide all counsel to the deposition with copies of the exhibits, with an invoice for copying charges. Mr. Rosenberg and Mr. Bost didn't indicate on my list that they wanted copies.

MR. ROSENBERG: I do, yes.

(Discussion off the record.)

MR. MILLER: I think the record should reflect, if it is not in the protective order, that the doctor does not waive the reading and signing of the deposition.

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1 Dr. Braun - Direct

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3 DR. DANIEL CARL BRAUN, a witness called
4 in behalf of the Plaintiffs, having been
5 first duly sworn, was examined and testified
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. PATRICK:

9 Q Doctor, could you state your full name for the
10 record, please.

11 A Daniel Carl Braun.

12 Q What is your present address?

13 A Home address is 5700 Bunker Hill, Pittsburgh, PA
14 15206.

15 Q And what is your business address?

16 A Business address is 5231 Centre Avenue, Pittsburgh
17 15232.

18 Q By whom are you presently employed?

19 A Industrial Health Foundation.

20 Q And what is the Industrial Health Foundation?

21 A It's a nonprofit research organization dedicated
22 to the improvement of healthful working conditions
23 in industry.

24 Q How long has the Industrial Health Foundation been
25 in existence?

1 Dr. Braun - Direct

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3 A Under previous names it has been in existence since
4 December 1935.

5 Q What was it originally called back in 1935?

6 A At that time it was known as the Air Hygiene
7 Foundation of America, Incorporated.

8 Q Did it have a subsequent name change?

9 A Yes. In about 1941 it was changed to the
10 Industrial Hygiene Foundation of America,
11 Incorporated.

12 Q When did it come to be called the Industrial
13 Health Foundation?

14 A I think it was about 1969 or 1970.

15 Q And, despite these changes in names, has the
16 function of the Industrial Health Foundation
17 changed in any way since 1935?

18 A No. The basic function has remained the same
19 and the organization is the same.

20 Q What is your present position with the Industrial
21 Health Foundation?

22 A I'm president.

23 Q How long have you been president?

24 A Since 1972.

25 Q Have you had any prior association with the

1 Dr. Braun - Direct

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3 Industrial Health Foundation?

4 A Yes, sir. In 1951 I was first employed there
5 as medical director. I left at the end of 1957
6 to join the U. S. Steel Corporation, and I returned
7 in 1970 as manager of Occupational Health Services.
8 In 1972 I was elected president.

9 Q Dr. Braun, I have a subpoena for your appearance
10 today and it asks you to bring some documents,
11 reports, articles, correspondence among the
12 IHF, the Defendant, Johns-Manville Sales Corpora-
13 tion, and the ATI, research, minutes, surveys
14 and studies regarding asbestos, and such
15 correspondence. Have you brought those documents
16 here today?

17 A Yes, I have.

18 MR. PATRICK: I'd like this subpoena
19 to be marked as Plaintiff's Exhibit No. 1.

20 (The document above referred to was
21 marked Plaintiff's Deposition Exhibit No. 1
22 for identification.)

23 Q Doctor, does the IHF maintain files, a library,
24 or some kind of archives of documents?

25 A Yes, it does.

1 Dr. Braun - Direct

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3 Q And has your deposition been taken on prior
4 occasions?

5 A Yes, it has.

6 Q And have you, in fact, been asked to bring these
7 documents to depositions on some prior occasions?

8 A Yes, sir.

9 Q Do you remember having your deposition taken in
10 December 1979, I believe it was, by a gentleman
11 from our office by the name of Mr. Terry Richardson?

12 A I'm not certain of the date, but I do remember his
13 taking my deposition.

14 Q Do you remember that deposition along with a
15 Mr. Reuben and a Mr. Parnell?

16 A Yes, I do.

17 Q Do you remember on that occasion bringing
18 documents or having documents copied for those
19 gentlemen from your files?

20 A Yes, I do.

21 Q And were you asked in that deposition to identify
22 certain documents?

23 A I was.

24 Q Now, what I have brought are the same documents,
25 copies of those documents which were shown to you

1 Dr. Braun - Direct

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3 previously at that deposition, and what I am going
4 to do is simply ask you some questions of an
5 identification nature on each one of these docu-
6 ments again. For certain legal reasons we have
7 to go through it again.

8 The first document I'm going to show you is a
9 letter dated December 6, 1956, which has been
10 previously marked Braun Deposition Exhibit No. 2
11 for the 1979 deposition. I would simply ask that
12 these documents retain the same numbering system.
13 I would ask you, Doctor, if you could identify that
14 letter for us.

15 A Yes, sir. As you have said, it's a copy of a
16 letter dated December 6, 1956, to Mr. Hugh M.
17 Jackson, Manager of the Industrial Health Program
18 at Johns-Manville Corporation, bearing my typed
19 signature.

20 Q Did you author that particular letter, Doctor?

21 A Yes, I did.

22 Q And was it sent out on the date of December 6,
23 1956?

24 A Yes, sir.

25 Q Were you at that time employed by the IHF?

1 Dr. Braun - Direct

25

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3 A Yes, I was, as Medical Director.

4 Q Do you know if the original of that document is
5 kept in the files or the archives of the IHF?

6 A Yes, it is.

7 Q And has the original been produced on prior
8 occasion so that a copy may be made of that
9 document?

10 A Yes, it was.

11 Q And do you find that a true and accurate copy of
12 the original of that document?

13 A Yes, I do.

14 Q The next document I'll show you has previously
15 been marked as Braun Deposition Exhibit No. 3 and
16 is a letter dated May 3, 1957. If you could,
17 identify that letter for us, please.

18 A Yes. It's a copy of a letter dated May 3, 1957,
19 a letter to Mr. D. R. Holmes, Chairman of the
20 Air Hygiene Committee, Asten-Hill Manufacturing
21 Company, Philadelphia, bearing my typed signature.

22 Q Did you write that letter to Mr. Holmes?

23 A Yes, I did.

24 Q Who is Mr. Holmes or was Mr. Holmes?

25 A Mr. Holmes was employed by Asten-Hill Manufacturing

1 Dr. Braun - Direct

26

3 Company. I don't know in what position. He was
4 Chairman of the Air Hygiene Committee of the
5 Asbestos Textile Institute, in which capacity I
6 wrote this letter.

7 Q Did the IHF have any relationship with the Air
8 Hygiene Committee of the Asbestos Textile
9 Institute?

10 A I don't know what you mean by connection.

11 Q Was the IHF doing any studies or any research for
12 the ATI at that particular time?

13 A No. We hoped to, and this letter was in that
14 connection.

15 Q I think I may have not asked you this question.
16 You did author that letter to Mr. Holmes?

17 A Yes, I did.

18 Q And you did it in your capacity as Medical Director
19 of the IHF?

20 A Yes, sir.

21 Q The next letter I'm to show you is Braun
22 Deposition Exhibit No. 4, and it bears the date
23 of April 26, 1957. If you could, identify that
24 letter for us, please.

25 A Yes, sir. That's a copy of a letter on Asten-Hill

1 Dr. Braun - Direct

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3 Manufacturing Company letterhead directed to me,
4 signed by Mr. D. R. Holmes, Chairman of the
5 Air Hygiene Committee of the Asbestos Textile
6 Institute.

7 Q Do you recall receiving that letter?

8 A Yes, I do.

9 Q And is the original of that letter maintained
10 in the files of the IHF?

11 A Yes, it is.

12 Q And would that be a true and accurate copy of
13 that original?

14 A Yes, it is.

15 Q The next document I'm going to show you is
16 what has been marked as Braun Deposition Exhibit
17 No. 5. It is a letter dated August 23, 1957.
18 If you could, tell us what that letter is.

19 A Yes, sir. That's a letter to Mr. Hugh M. Jackson,
20 Manager of the Industrial Health Program for
21 Johns-Manville Corporation, with my typed signature.
22 It is, as you say, dated August 23, 1957, a two-
23 page letter with attachment of three references.

24 Q Did you, in fact, write that letter to Mr. Jackson?

25 A Yes, I did.

1 Dr. Braun - Direct

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3 Q Who was Mr. Jackson?

4 A He was Manager of the Occupational Health Program
5 or Industrial Health Program for Johns-Manville.

6 Q And is the original of this letter kept in the
7 archives of the IHF?

8 A Yes, it is.

9 Q And would this be an accurate copy of that
10 original?

11 A It is.

12 Q Because of a previous deposition, there is no
13 Exhibit 6, so I'm simply going to skip to Exhibit
14 No. 7. This next document is a letter dated
15 August 3, 1953, which was previously marked as
16 Braun Deposition Exhibit No. 7, with an attachment
17 entitled, "Memorandum on Research Projects for
18 Johns-Manville Corporation." If you could,
19 identify the letter and the attached document
20 for us, please, Dr. Braun.

21 A Yes, sir. This is a copy of a letter dated
22 August 3, 1953, directed to Mr. Hugh M. Jackson,
23 Manager of the Industrial Health Program, Johns-
24 Manville Corporation, bearing the typed signature
25 of C. Richard Walmer, M.D., Managing Director of

1 Dr. Braun - Direct

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the Foundation, with a copy to Dr. Kenneth Smith.

Q Who is Dr. Smith?

A Dr. Smith was Medical Director of Johns-Manville Corporation. And to the letter was attached, "Memorandum on Research Projects for Johns-Manville Corporation."

Q On the attachment do you recognize that particular logo as the logo of the Industrial Health Foundation?

A Yes, I do. It was the Industrial Hygiene Foundation at that time.

Q Excuse me, Industrial Hygiene Foundation. And did that logo in 1953 appear to be as such?

A Yes, it did.

Q And did in 1953 the Industrial Hygiene Foundation do studies for certain industrial concerns?

A Yes, it did.

Q Do you recognize Exhibit No. 7, both of those documents, as being copies of documents that are maintained by the Industrial Health Foundation in its archives?

A Yes, I do.

Q The next document I'm going to show has been marked

1 Dr. Braun - Direct

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4 as Exhibit No. 8 to the 1979 Braun deposition.

5 It is a letter dated August 26, 1959, and it has
6 an attached letter dated August 13, 1955. If you
7 could, identify both of those documents for us,
8 please.

9 A Letter directed to Mr. Hugh M. Jackson, bearing
10 typed signature of Dr. C. Richard Walmer, who was
11 Managing Director of the Foundation, with enclosure
12 listed as letter of August 13, 1955, from
13 John W. Kane, Corresponding Secretary, Interna-
14 tional Association of Heat and Frost Insulators
15 and Asbestos Workers, and the attachment is a copy
16 of that letter.

17 Q Do you recognize both of these letters as being
18 accurate copies of documents which are maintained
19 in the archives of the IHF?

20 A Yes, I do.

21 Q The next exhibit I'm going to show has been
22 marked as Braun Deposition Exhibit No. 9. It is a
23 letter dated May 21, 1956, and attached to it is a
24 "Memorandum on Proposed Epidemiological Study of
25 Lung Cancer in Asbestos Workers for the Asbestos
Textile Institute." I would ask you if you can

1 Dr. Braun - Direct

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3 Identify this document for us.

4 A Yes, sir. That was a letter to Mr. Myril C. Shaw,
5 Secretary of the Asbestos Textile Institute in
6 Philadelphia from Dr. C. Richard Walmer, with copies
7 to Mr. D. R. Holmes and Dr. Kenneth Smith, and
8 attached to it is a proposal for an epidemiological
9 study ~~in~~ ^{of} lung cancer in asbestos workers for the
10 Textile Institute.

11 Q Why would Dr. Kenneth Smith be copied with a copy
12 of this particular proposal?

13 MR. MOHER: I'm going to object to the
14 form of the question. My understanding is
15 that the letter was authored by somebody
16 other than the doctor, and to ask him why
17 somebody else would have sent this letter I
18 think is going beyond --

19 MR. PATRICK: I'll withdraw the question.

20 BY MR. PATRICK:

21 Q Is this letter and the attachment in a format
22 that was used by the Industrial Hygiene Foundation
23 in 1956?

24 A Yes, it is.

25 Q Do you recognize these documents as documents that

1 Dr. Braun - Direct

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have been maintained by the IHF up to this time
in their archives?

A Yes, I do.

Q The next document is Braun Deposition Exhibit No. 10, the first page of which is a letter dated June 19, 1956. The second page is a letter dated June 18, 1956. If you could, identify both of these letters for us, please.

A Yes, sir. The June 19, 1956, letter is also addressed to Dr. Myril C. Shaw, Secretary of the Asbestos Textile Institute, from Dr. C. Richard Walmer, Managing Director of the Foundation, and attached is a copy of a letter on the letterhead of Asbestos Textile Institute to Dr. Walmer from Mr. Shaw.

Q Are these accurate copies of documents that are presently maintained by the IHF in their archives?

A Yes, they are.

Q The next letter is a letter dated June 10, 1957, which has been marked as Braun Deposition Exhibit No. 11. Would you identify this for us, please.

A Yes. It's a copy of a letter, as you say, dated June 10, 1957, addressed to Dr. Kenneth W. Smith,

1 Dr. Braun - Direct

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3 Medical Director, Johns-Manville Corporation,
4 from Dr. Paul Gross, Research Pathologist for the
5 Foundation.

6 Q How long did Dr. Gross work with the Foundation?

7 A From about 1950 until 1972 in the active category,
8 and since 1972 as consultant.

9 Q And do you recognize this particular letter as
10 being one that is maintained by the IHF in its
11 archives?

12 A Yes, I do.

13 Q The next document is marked as Braun Deposition
14 Exhibit No. 12. If you could, identify this
15 particular document for us.

16 A Yes, sir. It's a copy of a letter dated June 21,
17 1957, to Dr. Kenneth W. Smith, Medical Director
18 of Johns-Manville, from Paul Gross, M.D., Research
19 Pathologist for the Foundation, and it has an
20 enclosure which is noted. Well, it's mentioned
21 in the letter.

22 Q Did you know Dr. Gross at that time?

23 A Yes, I did.

24 Q And are you, in fact, mentioned in this particular
25 letter?

1 Dr. Braun - Direct

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3 A I didn't read the letter.

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5 MR. MOHER: I'm going to object to the
6 form of the question. The document speaks
7 for itself. If his name is mentioned, it's
8 mentioned. He didn't author it, from what
9 I understand, and it wasn't directed to him.

10 Q Do you recognize that letter as being one that
11 has been maintained by the IHF in its archives?

12 A Yes, I do.

13 Q And is it a true and accurate copy of that
14 original?

15 A Yes.

16 Q Now, the next exhibit has been marked as Braun
17 Deposition Exhibit No. 13. If you could, tell
18 us what that particular letter is.

19 A Yes, sir. It's a copy of a letter on Johns-
20 Manville Corporation letterhead, dated December 30,
21 1957, addressed to Mr. Ivan Sabourin, St. Johns,
22 Quebec, signed by Kenneth W. Smith, M.D., Medical
23 Director for Johns-Manville.

24 Q Who was Mr. Sabourin?

25 A He was an attorney for the Quebec Asbestos Mining
Association, and I believe also for Johns-Manville

1 Dr. Braun - Direct

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3 of Canada.

4 Q Were you familiar with this letter in 1957?

5 A It is dated the last day I worked for the
6 Foundation at that time. I did see the letter
7 following my leaving the Foundation.

8 Q And I believe, if I am correct, that this concerns
9 some work that you were presently doing at that
10 time?

11 MR. MOHER: Objection.

12 A Had finished doing, yes.

13 Q Do you recognize this as a letter that has been
14 maintained by the IHF in its archives?

15 A Yes, I do.

16 Q And would it be a true and accurate copy of
17 the original of that letter?

18 A It is.

19 Q Because of misnumbering in a prior deposition,
20 there is no Exhibit No. 14, so we'll skip over
21 to Exhibit No. 15.

22 The next document is Braun Deposition Exhibit
23 No. 15, and I'd ask for you to look at that and
24 see if you can identify it for us.

25 A This is a copy of a memo on the letterhead of

1 Dr. Braun - Direct

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3 Industrial Hygiene Foundation of America,
4 Incorporated, dated January 7, 1959, addressed to
5 Dr. Kenneth W. Smith, Medical Director, Johns-
6 Manville, Re: Case of Walter Burek, from
7 Paul Gross, M.D., Research Pathologist. It
8 consists of an unnumbered series of pages.

9 Q I believe there are some letters attached.

10 A Yes. Attached is a letter directed to Mr. Hugh M.
11 Jackson, Manager, Industrial Health Program,
12 Johns-Manville Corporation, bearing Dr. Paul Gross's
13 typed signature, and a letter to Dr. C. U. Culmer,
14 care of Johns-Manville Corporation, Waukegan,
15 Illinois, also bearing Dr. Paul Gross's typed
16 signature.

17 Q Does this represent the type of pathological
18 evaluation that was done at this time by the IHF?

19 MR. MOHER: Objection. My understanding
20 is that the doctor would not have been there
21 in 1959.

22 THE WITNESS: I was not there in 1959.

23 MR. PATRICK: All right. I'll withdraw
24 the question then.

25 Q Do you recognize this document, this pathological

1 Dr. Braun - Direct

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3 report with the letters attached, as being true
4 and accurate copies of documents that are now
5 maintained by the IHF?

6 A Yes, I do.

7 Q The next document is Braun Deposition Exhibit No.
8 16. I'd ask for you to look at that, if you could,
9 and tell us what it is.

10 A Yes, sir. It's an internal memorandum entitled,
11 "Notes on Preliminary Visits to Asbestos Textile
12 Plants; 1. Asten-Hill Manufacturing Company,"
13 and I recognize it as a memorandum that I wrote
14 for our file and for Dr. Walmer's review.

15 Q Is that a true and accurate copy of documents
16 which you originally authored?

17 A Yes.

18 MR. IWLER: Excuse me. Is that document
19 dated?

20 MR. PATRICK: It does not bear a date.

21 Q Can you tell us generally about what time that
22 document was generated?

23 A Yes. I would date it in 1957, sometime in 1957,
24 early in 1957.

25 Q The next document is marked Deposition Exhibit No.

1 Dr. Braun - Direct

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3 17, and I would simply ask you whether or not that
4 would be a continuation of what was Braun
5 Deposition Exhibit No. 16?

6 A Yes, it is, and it's marked, "Notes on Preliminary
7 Visits to Asbestos Textile Plants (cont.)," and
8 has the number "4," the previous one ending with
9 the number, "3," and it continues to the number,
10 "7."

11 Q I believe you said that you prepared Exhibit No.
12 16. Did you also prepare this Exhibit No. 17?

13 A Yes, I did.

14 Q I show you what has been marked as Plaintiff's
15 Exhibit No. 18. Could you identify that particu-
16 lar page for us, please.

17 A Yes. It's a tabulation of information probably
18 contained in the previous two documents and
19 relates to that same memorandum.

20 Q There are some handwritten notes on this document.
21 Would those be in your handwriting?

22 A That's my handwriting, yes.

23 Q And the same goes for Braun Deposition Exhibit
24 No. 19. There appears to be some handwriting
25 on that page. Would that be, in fact, your

1 Dr. Braun - Direct

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3 handwriting?

4 A Yes, it is my handwriting. The previous one was
5 typed from this handwritten document.

6 Q Do you recognize that as a true and accurate copy
7 of the notes which you prepared in the early part
8 of 1957?

9 A Yes, I do.

10 Q The next document has been marked as Braun
11 Deposition Exhibit No. 20. If you could, identify
12 that particular document for us.

13 A It's entitled, "Autopsy Protocol; Lukas, Mary;
14 Prosector, Michel Janis, M.D."

15 Q What is the date on that document?

16 A The document itself doesn't have a date. The
17 protocol is numbered, not dated, which is
18 unusual.

19 Q I believe the date of expiration is in what year?

20 A 1959. That's the date that the subject died.

21 Q Then that would have been after the time that
22 you would have been employed by the IHF; is that
23 correct?

24 A Yes, it would have been.

25 Q But do you recognize this as an accurate copy of

1 Dr. Braun - Direct

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2
3 a document that has been maintained by the IHF
4 in its files?

5 MR. MOHER: Objection.

6 A Yes.

7 Q Now, the next document has been identified as
8 Braun Deposition Exhibit No. 21. If you could,
9 look at that and identify it for us, please.

10 A Yes, sir. That's a "Report of Preliminary Dust
11 Investigation for Asbestos Textile Institute" made
12 ^u by ~~G.C.L.~~ Hemeon, who was the head engineer for
13 the Industrial Hygiene Foundation of America,
14 dated June 1947.

15 Q When did you first see this particular study?

16 A I believe it was after these depositions began.

17 Q Do you know Mr. Hemeon?

18 A Yes, I do.

19 Q Have you had any occasion to have any type of
20 communication with him about that study?

21 A Yes, I have.

22 Q And what was that?

23 MR. MOHER: Objection.

24 Q You can answer.

25 A I believe when this was requested in one of the

1 Dr. Braun - Direct

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3 early subpoenas, we didn't have a copy of it in
4 our files and I communicated with Mr. Hemeon to
5 find out if he had a copy, which he did, and I
6 think that's where we got our present copy of it.

7 Q So the document, the Hemeon study that is main-
8 tained by the IHF, was, in fact, one that was
9 obtained from Mr. Hemeon?

10 A Yes, I believe that's correct.

11 MR. MOHER: Objection.

12 MR. IWLER: I object to the form of the
13 question because the witness never testified
14 that the document was maintained by the IHF.
15 On the contrary, he testified that he got it
16 from someone else in response to a subpoena
17 attached to a deposition notice.

18 BY MR. PATRICK:

19 Q Is this document, the Hemeon study, which has
20 been marked as Exhibit No. 21, now maintained
21 in the files of the Industrial Health Foundation?

22 A Yes, our copy of it is.

23 Q And did the Industrial Health Foundation receive
24 its copy of the Hemeon study from Mr. Hemeon
25 himself?

1 Dr. Braun - Direct

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3 A Yes.

4 MR. IWLER: Objection.

5 MR. ROSENBERG: I would object to it,
6 too, because the document was apparently
7 prepared before Dr. Braun began employment
8 with the IHF.

9 MR. IWLER: Dr. Braun has already
10 testified how he got the document. It was
11 not kept in the ordinary course of the
12 records of the IHF.

13 BY MR. PATRICK:

14 Q Is this document, as it is now being kept by the
15 IHF, kept in the normal and ordinary course of
16 the business of the IHF?

17 A Yes, sir.

18 Q Approximately what year, if you can remember,
19 was it when you received a copy of this report
20 from Mr. Hemeon?

21 A The earliest of the depositions was, I think,
22 1977, so it would be between 1977 and 1979.

23 Q Is Mr. Hemeon still around?

24 A Yes, he is.

25 Q Where does he live?

1 Dr. Braun - Direct 42

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3 A He lives on Aliquippa Street. No. That was his
4 old address. I don't know his present address,
5 but he lives in Pittsburgh.

6 Q Have you had any recent communications with him
7 at all?

8 A I see him almost every day at lunch upstairs.

9 Q The final document is Braun Deposition Exhibit
10 No. 22. If you could, identify that for us,
11 please.

12 A Yes, sir. That's on the letterhead of Industrial
13 Hygiene Foundation of America, Incorporated,
14 dated February 15, 1956, "Critique of Fiberglas
15 Literature for Owens-Corning Fiberglas Corpora-
16 tion by Paul Gross, M.D., Research Pathologist."
17 It's ten pages -- nine and a half pages.

18 Q Does it bear the IHF logo?

19 A Yes, it does.

20 Q As that logo was used in 1956?

21 A Yes, sir.

22 Q And is it an accurate copy of a document that
23 is presently maintained in the archives of the
24 IHF?

25 A Yes, it is.

1 Dr. Braun - Direct

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3 Q Would the archives or files of the IHF be maintained
4 in the normal and ordinary course of the business
5 of the IHF?

6 A Yes.

7 Q And when a document is received by the IHF, is
8 it received into these archives in the normal
9 and ordinary course of business of the IHF?

10 A Yes.

11 MR. MOHER: Objection to the form of
12 the question. It doesn't have any time.
13 You've got a witness here who was employed
14 apparently from 1951 to 1957 and from 1970
15 through the present time, and you are talking
16 about documents that apparently have dates
17 from 1947 through a period of time that he
18 was not employed by the IHF.

19 BY MR. PATRICK:

20 Q In your employment with the IHF have you become
21 familiar with the business procedure by which the
22 IHF maintains its files?

23 A Yes, I have.

24 Q And when it receives a document, is that document
25 then placed on file with the IHF?

1 Dr. Braun - Direct

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3 A Yes, it is.

4 Q And, again, are these archives presently maintained
5 in the normal and ordinary course of the business
6 of the IHF?

7 A Yes, they are.

8 MR. PATRICK: I have no further
9 questions.

10 MR. MILLER: Under the court order,
11 Dr. Braun has the opportunity to take a
12 15-minute recess.

13 MR. YOUNG: Dr. Braun, I think that
14 I'm the only one going to ask you any
15 questions, so whatever you want to do is
16 fine.

17 THE WITNESS: I think I'd just as soon
18 continue.

19 MR. YOUNG: Whatever.

20 BY MR. PATRICK:

21 Q Doctor, in your capacity as Director of the IHF,
22 are you the custodian of the records of the IHF?

23 A I'm the ultimate custodian of them, yes.

24 Q And were all these documents that I showed you
25 from the files of the Industrial Health

1 Dr. Braun - Direct

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3 Foundation?

4 A Yes, they were.

5 MR. PATRICK: Thank you.

6
7

CROSS-EXAMINATION

8 BY MR. YOUNG:

9 Q Dr. Braun, you and I have met before. My name is
10 Lane Young and I represent Johns-Manville in this
11 litigation. I have a number of questions that I
12 need to ask you. If you don't understand any of
13 the questions, just tell me and I'll be glad to
14 repeat it or rephrase it. Is that agreeable?

15 A That's agreeable.

16 Q All right, sir. Now, in an effort to save a little
17 bit of time, did I ask you to review documents that
18 have previously been marked as Defendant Johns-
19 Manville's exhibits to your deposition, Nos. 1
20 through 29?

21 A Yes, you did.

22 Q Did you do that, sir?

23 A Yes, I did.

24 Q Before this deposition?

25 A Yes, sir.

1 Dr. Braun - Cross

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3 Q This morning?

4 A Immediately before, yes.

5 Q All right, sir. Now, I'd like to ask you some
6 questions about all of those documents, if that's
7 okay. Are you also the custodian of the originals
8 of all of those documents in your capacity as
9 president of IHF?

10 A Yes, I am.

11 Q Are these copies of documents that you have
12 previously produced for Al Parnell in our office?

13 A Yes, sir.

14 Q At an earlier deposition?

15 A Yes, sir.

16 Q Are these copies of originals of those documents
17 that are currently in your files or the IHF's
18 files?

19 A Yes, they are.

20 Q Are they true and accurate and correct copies
21 of those originals?

22 A Yes, they are.

23 Q Were these documents either produced or received,
24 to your knowledge, in the ordinary course of the
25 business of the IHF or one of its predecessors?

1 Dr. Braun - Cross

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3 A Yes, sir.

4 Q And it is the business of the IHF or its
5 predecessors to keep such documents?

6 A Yes.

7 MR. DOHERTY: Lane, what was the
8 date of the prior deposition that you were
9 referring to?

10 MR. YOUNG: March 11, 1981. Off the
11 record for just a second.

12 (Discussion off the record.)

13 MR. PATRICK: Let me put on the
14 record that, of course, I have no objections
15 to authentication of any new documents or
16 any other documents that you have. Of course,
17 I will reserve my objection as to what we
18 previously stated in prior depositions, which
19 is the anticipation of questions going
20 beyond the scope of direct examination.

21 MR. YOUNG: Right. As I understand it,
22 we are reserving all objections, except as
23 to the form of the question specifically with
24 respect to whether or not you feel like it's
25 leading.

1 Dr. Braun - Cross

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3 MR. PATRICK: Right.

4 BY MR. YOUNG:

5 Q Dr. Braun, Mr. Patrick asked you about the
6 Industrial Health Foundation and your position
7 there and the predecessor companies and things
8 of that nature. What I'd like for you to do now,
9 please, sir, is tell the court and the jury that
10 might be later hearing this deposition how and why
11 the Industrial Health Foundation or its predecessors
12 came into being and how it evolved to what it is
13 today.

14 A Of course, again, I wasn't present in 1935, but
15 I have had access to historical records and I've
16 talked to the people involved. In 1934 they were
17 digging some tunnels at Gauley Bridge, West
18 Virginia, and a large number of the workers
19 contracted silicosis, and it became a matter of
20 national importance. A number of industrialists
21 approached Dr. Weidlein, who was then president
22 of Mellon Institute here in Pittsburgh, and asked
23 him how they might go about conducting research,
24 funding research, on not only silicosis but other
25 diseases, particularly pulmonary diseases, caused

1 Dr. Braun - Cross

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3 -caused by the inhalation of dust at work.4 Dr. Weidlein suggested that they constitute a
5 fellowship within the Mellon Institute.6 The Mellon Institute operated with a *core* corps
7 of five or six departments and about 60 or 70
8 sponsored fellowships. These sponsored fellow-
9 ships worked on different problems, none of which,
10 to my knowledge, were health-related problems at
11 that time.12 These industrialists formed and incorporated
13 the Air Hygiene Foundation of America as a fellow-
14 ship within the Mellon Institute to collect funds
15 and expend those funds in research on silicosis and
16 *pulmonary* allied ~~research~~ disorders.17 Q All right, sir. Then did the Air Hygiene
18 Foundation move on into other diseases besides
19 silicosis?

20 A Yes.

21 Q Can you give us some examples of some things that
22 they moved into?23 A Well, it soon became evident to everybody
24 involved that there were other occupational
25 hazards in addition to silica. Such things as

1 Dr. Braun - Cross

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3 solvents came under their jurisdiction, and heat,
4 excessive heat, improper lighting, and that sort
5 of thing.

6 Q All right, sir. At some point in time did the
7 Foundation begin to have industrial members?

8 A From the beginning they had industrial members.

9 Q And did they start at some point in time -- I
10 guess from the beginning they started doing
11 research for these members?

12 A They didn't do the research within the Intra-
13 mural Foundation, but they collected funds from
14 these member companies and distributed them to
15 organizations which were doing actual laboratory
16 research. One of these was the University of
17 Pennsylvania. Dr. Leroy Gardner at Saranac Lake
18 was provided some support, and Johns-Hopkins
19 University scientists got some support.

20 Q And now, during the period of time from the
21 beginning of the Air Hygiene Foundation until
22 today, can you tell us whether or not the IHF
23 and its predecessors or corporations have had
24 a number of different corporate members?

25 A Yes, they have. That original group numbered

1 Dr. Braun - Cross

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3 something less than 20, and at the present time
4 we have about 145. In the interim we have had
5 maybe as many as 160 and as few as 112 or 113.

6 Q All right, sir. From time to time you have some
7 members who drop out?

8 A Yes.

9 Q And you obtain new members is that correct?

10 A Membership is on an annual basis. They will join
11 and stay in for a while and, for various reasons,
12 they drop their membership, possibly coming back
13 later.

14 Q All right, sir. How is it that the members are
15 charged or how do they pay the IHF?

16 A They pay annual dues, and the dues are based on
17 the number of employees.

18 Q Has that always been the case?

19 A Yes, I think that has always been the case.

20 Q Now, the IHF offices are located in Pittsburgh;
21 is that correct?

22 A Yes, sir.

23 Q And not too terribly far from where we are today?

24 A No. A few miles.

25 Q Can you just give us that address, if you would,

1 Dr. Braun - Cross
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please.

4 A 5231 Centre Avenue, and that's in zip code 15232.
5

6 Q Is there a library at the IHF offices?
7

8 A Yes, there is.
9

10 Q Do you feel like that library is fairly large
11 with respect to the types of materials that are
12 found therein?
13

14 A Yes. It has specialized in industrial health,
15 industrial medicine, industrial hygiene, and in
16 that respect it's fairly complete. As compared
17 to general libraries, it's a small library.
18

19 Q Sir, in addition to the library at IHF head-
quarters, do you also have a number of documents
20 that are kept in archives that Mr. Patrick
21 referred to?
22

23 A Yes. We have correspondence files and report
24 files.
25

Q Can you give us some idea of how these documents
are located in those archives, total documents?

A Well, I could give you an estimate. We have
about 13 five-drawer file cases and they are
packed, and I would estimate that each drawer has
perhaps 200 documents in it. So 1300 documents

1 Dr. Braun - Cross
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times five.

4 Q And the documents that you have brought here today
5 in response to the Plaintiffs' subpoena are
6 contained in two cardboard boxes. They are about
7 a foot wide and a foot and a half long. Is that
8 correct?
9

10 A That's correct.
11

12 Q All right, sir. Could you give us some idea as
13 to what percentage of the total documents archived
14 at the IHF the documents that you have brought
15 today represent?
16

17 MR. PATRICK: Excuse me, Lane. There
18 are some more documents in the back.
19

20 THE WITNESS: Those are bound copies
21 of the Digest. They are not these documents.
22

23 MR. PATRICK: I see.
24

25 A You want to know what percentage of the total
number of documents we have that these represent?
26

Q Yes, sir.
27

28 A Well, I'd say one-one hundredth as a very crude
29 estimate.
30

31 Q Approximately one percent?
32

33 A Yes.
34

1 Dr. Braun - Cross

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3 Q Now, has the IHF done research for member companies
4 that does not involve the topics discussed in
5 these documents that you brought in response to
6 Mr. Patrick's subpoena?

7 A Yes, they have.

8 Q Could you give the jury some idea of all of the
9 other areas in which the IHF has done studies or
10 research?

11 A Yes, sir. In the laboratory, in Dr. Gross's
12 laboratory, they have studied the effects of
13 exposure of animals to oven cleaners, paints,
14 solvents, metals such as chromium; and the bulk
15 of our work outside of the laboratory is
16 epidemiological studies, which have been involved
17 with oil dermatitis, chromium, effects of some
18 trade chemicals not related to asbestos.

19 Q Dr. Braun, without going into discussion that
20 could possibly take you all day, could you just
21 tell us very briefly what an epidemiological
22 study is?

23 A Yes, I think that I can do that briefly. An
24 epidemiological study is an attempt to determine
25 the health experience of a group of workers

1 Dr. Braun - Cross

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3 carefully defined as compared to the general
4 population or a similar population not exposed to
5 the same thing that your study group is exposed to.

6 Q Thank you, sir. Now, with respect to the docu-
7 ments that may have been generated by the IHF in
8 doing the studies and work that you just told me
9 about, you have not been asked to produce those
10 today, have you?

11 A No.

12 Q All right, sir. Specifically, you haven't been
13 asked to produce any documents except for those
14 documents that involve the IHF's work in the area
15 of asbestos?

16 A That's true.

17 Q Could you give us some idea as to the percentage
18 of the IHF's work that is represented by the
19 documents that you have been asked to produce?

20 A Well, the percentage of documents represented by
21 these documents is not exactly similar to the
22 percentage of our work. Some studies require a
23 great deal more work than others. Much of our
24 work is not related to specific studies. So if
25 the documents represent one percent, the work

1 Dr. Braun - Cross
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4 related to asbestos must represent one-tenth of a
5 percent.
6

7 Q Thank you, sir. Has asbestos and related research
8 ever been a major endeavor of the Industrial Health
9 Foundation or its predecessors?
10

11 A Well, at the time we are doing a study it's a
12 major effort and a lot of people are involved, but
13 over the history of the Foundation work with
14 asbestos has not been a major endeavor.
15

16 Q Has research that you have done in the area of
17 chemical fields and related fields of that type
18 been more of a major endeavor of the IHF?
19

20 A Yes. I think collectively the work that we have
21 done and the studies we have made on things other
22 than asbestos would be a much more important part
23 of our work.
24

25 Q I believe you have already told us that you are
26 currently the president of the IHF. Is that
27 correct?
28

29 A Yes, sir, I told you that.
30

31 Q And you first started work with the IHF or its
32 predecessor in approximately 1951?
33

34 A I think that was the case.
35

1 Dr. Braun - Cross

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3 Q Then you left for about 13 years beginning in
4 1957?

5 A Beginning in '58, yes, or through '57.

6 Q What did you do while you were away from the IHF
7 during that period of time?

8 A I joined the U. S. Steel Corporation as medical
9 director of the Homestead Works here in Pittsburgh
10 for about two years, and then I was made associate
11 medical director of the corporation.

12 Q During the time period that you were with U. S.
13 Steel, did you have any involvement with the
14 ongoing day-to-day work of the IHF?

15 A No. I kept in contact with the Foundation as the
16 chairman of its Medical Committee and served as
17 trustee for some period of time.

18 Q All right, sir. To the extent that you have
19 produced documents for the Plaintiff and testified
20 about documents that were involved in that period
21 of time, do you have any direct or personal
22 knowledge concerning those documents?

23 A I have to ask you to restate that.

24 Q In other words, you weren't at the IHF at the
25 time they were either created or received?

1 Dr. Braun - Cross
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4 A For some of these documents that's very true, yes.
5

6 Q So to the extent that you have knowledge concerning
7 documents from 1958 to 1970, that is not a direct
8 first-hand type of knowledge?
9

10 A No, it is not.
11

12 Q I'm sure that I have already asked you this, but
13 when you produced the documents that have been
14 marked as Defendant's Exhibits 1 through 29 for
15 Mr. Parnell earlier, you did that in your capacity
16 as president of the Industrial Health Foundation?
17

18 A Yes, I did.
19

20 Q Now, Dr. Braun, when the documents that we've
21 talked about today and will talk about that I've
22 asked you to look at earlier were generated, do
23 you feel like the IHF had gained a certain pre-
24 eminance in its ability to do certain kinds of
25 work relative to research for industrial and
related people?

26 A I feel that the Foundation is a unique organiza-
27 tion. I don't think there is any other organiza-
28 tion that does all of the things that we do.
29 There are, of course, a number of laboratories
30 that do excellent research.

1 Dr. Braun - Cross

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3 Q Did the IHF have a library during the time period
4 of 1950 before you left, or access to a laboratory?

5 A Laboratory or library?

6 Q Laboratory.

7 A During the time that you mentioned, Dr. Gross was
8 in charge of an animal laboratory which was
9 situated on the property of the Magee Hospital,
10 which is here in Pittsburgh. That laboratory was
11 subsequently moved to the campus of the University
12 of Pittsburgh in a building that was originally
13 the Mellon Institute.

14 Q Was there an organization known as the Trudeau
15 Foundation during that period of time?

16 A Yes, there was.

17 Q Had that particular organization also acquired
18 certain expertise in the same or similar fields
19 to the IHF?

20 A Yes.

21 Q Now, with respect to the generation of the
22 documents that we are talking about today,
23 was there an association or any communications
24 between the IHF and the Trudeau Foundation and/or
25 the Saranac Lake people?

1 Dr. Braun - Cross

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3 A As I mentioned earlier, some of the funds collected
4 by the Air Hygiene Foundation were distributed to
5 the Saranac Lake group to fund certain research.
6 That would have ended, I imagine, in the early
7 1940's. From then on, there was no such connec-
8 tion between the Foundation and the Trudeau
9 Foundation or Saranac Lake group; but
10 Dr. Leroy Gardner of Saranac was active in our
11 Medical Committee and Dr. Lanza was active in it
12 and there may have been communications.

13 I don't think that we did any joint studies
14 or anything like that. We appeared on some of
15 their programs, they appeared on our programs,
16 and entirely irrelevant to that is the fact that
17 toward the end of this period Saranac Lake wanted
18 to sell their properties and there was a time that
19 the Foundation thought they might be interested
20 in purchasing them.

21 Q Do you recall any particular pneumoconiosis that
22 Saranac might have been studying as a result of
23 receiving funds?

24 A That would have been on silicosis.

25 Q Anything else that you recall?

1 Dr. Braun - Cross

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3 A No, I don't recall anything else.

4 Q Now, with respect to the Dr. Gardner that you
5 mentioned earlier, was he one of the leading
6 people in the lung area or the lung field during
7 the time that you were involved with the IHF?

8 A He was pre-eminent in the field of lung pathology
9 from the standpoint of animal experimentation.

10 Q Was he ever involved with the IHF Medical
11 Committee?

12 A Yes. He was a member of the Medical Committee.

13 Q Do you remember when that was?

14 A No, I don't. Prior to 1950.

15 Q You mentioned Dr. Lanza. Can you tell us who
16 he was?

17 A Yes. Dr. Lanza was at the time I knew him
18 Medical Director of Metropolitan Life Insurance
19 Company, and I believe a vice-president. He had
20 been at Saranac Lake laboratory sometime in his
21 career.

22 Q Was he also a leading person in the field of
23 lung research and study?

24 A Yes.

25 Q Just so the jury will understand all of this, the

1 Dr. Braun - Cross
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4 moneys that you testified to earlier that were
5 paid by members as dues, was some of that money
6 the money that was used to fund these outside
7 studies you are talking about?

8 A Yes. In the very early days it is my understanding
9 that the object of the Air Hygiene Foundation was
10 to collect funds from its member companies and
11 distribute those funds to people who were capable
12 of doing research on silicosis primarily.

13 Q And, of course, some of the money was kept to run
14 the IHF itself?

15 A Very little.

16 Q Now, has the IHF and its predecessor corporations
17 also, in order to supplement the moneys that
18 it receives as membership dues, done special
19 or specific research problems for member companies
20 at their request?

21 A Yes, it has.

22 Q Can you give the jury just a few examples of
23 what type of research and services might have
24 been performed in this regard? We'll go into
25 specifics in a minute, but just generally.

A The services of the Foundation ever since it

1 Dr. Braun - Cross

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4 acquired industrial hygiene engineers have
5 included monitoring of the workplace for
6 environmental hazards, contaminants, analyzing
7 the samples collected, doing literature searches
8 either in our library or through the data banks
9 that are existent and can be entered by our
10 library, during all of Dr. Gross's time animal
11 pathology, animal exposure experiments; and our
12 services now include courses that we put on,
13 auditing of a medical department or industrial
14 hygiene program.

15 Q Now, Plaintiffs' counsel asked you about certain
16 letters between you and Hugh Jackson. Did those
17 particular documents relate to a study which the
18 IHF did for the QAMA, or Quebec Asbestos Mining
19 Association?

20 A Many of those letters did, yes.

21 Q So the jury will understand the background for
22 those documents being generated, can you tell me,
23 please, sir, if, for example, a member company
24 wanted something done by the IHF, what would you
25 do in terms of figuring out how you were going to
go about doing it and how you were going to

1 Dr. Braun - Cross

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3 charge that particular company?

4 A Well, we would probably generate a proposal cover-
5 ing our understanding of what it was the company
6 wanted to have done. In that proposal we would
7 make as accurate an estimate as possible of how
8 long it would take to do the study. This is any
9 study in general. And, based on the time involved
10 and travel costs and so forth, we would estimate
11 the cost to them.

12 Q So, in other words, a member company would come
13 to you and say, "We suspect such and such to be
14 a problem, and we would like for you to do a
15 study in that regard"?

16 A Yes.

17 Q Then you would come back with some type of a
18 proposal?

19 A Delineating the manner in which it could be
20 attacked.

21 Q Now, assuming that you were doing such a study
22 today for a member company, would you tell the
23 jury to what extent, if any, that member company
24 would be allowed to direct your activities with
25 respect to the study.

1 Dr. Braun - Cross

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4 A At no time have we permitted interference. We
5 have certainly asked the member company what was
6 available, how to go about getting it, who to talk
7 to in their organization to get the facts; but we
8 take on a study -- and we do this all the time --
9 with the understanding that we are not to be
10 interfered with in the way that we do it or the
11 conclusions that we reach.

12 Q Would that be true for the time period that
13 involves the documents I asked you about earlier?

14 A It's always been true.

15 Q Specifically with respect to my client, Johns-
16 Manville, could you tell this court and jury if
17 you have any recollection of it ever directing
18 your activities in terms of any study, whether it
19 be one involving the Plaintiffs' exhibits or
another study?

20 A The only study of which I have personal knowledge
21 that involved Johns-Manville was the study done
22 for the Quebec Asbestos Mining Association, of
23 which Johns-Manville was a member. I have
24 excellent recollection of how that was done, and
25 there was no attempt on the part of Johns-Manville

1 Dr. Braun - Cross
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5 to influence our findings.
6

7 Q All right, sir. Would you take a look at what
8 has been previously marked as Defendant Johns-
9 Manville Exhibit No. 1 and tell us what that is,
10 please, or identify it, if you can.
11

12 A Yes, sir. That's a copy of a letter dated
13 November 21, 1955, directed to Dr. K. W. Smith,
14 Medical Director of Johns-Manville, from me.
15

16 Q Does that particular document relate to a study
17 or proposed study by the IHF?
18

19 A Yes, it does.
20

21 MR. MILLER: Could we go off the record?
22

23 MR. YOUNG: Yes.
24

25 (Discussion off the record.)
26

27 MR. YOUNG: For the record, we will
28 recess until 1:00.
29

30 (Noon recess.)
31

32 BY MR. YOUNG:
33

34 Q Doctor, just as a matter of formality, I'll advise
35 you that you are still under oath. You know that?
36

37 A Yes, sir.
38

39 Q All right, sir. Now, I believe before we took
40 the lunch recess we were just getting into the
41

1 Dr. Braun - Cross

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3 documents that I asked you to look at before the
4 deposition that have been marked as Defendant's
5 Exhibits 1 through 29. Do you recall that?

6 A Yes, I do.

7 Q All right, sir. And you had looked at and
8 identified, I believe, Defendant Johns-Manville's
9 Exhibit No. 1. Is that correct?

10 A I don't remember whether I had finished identifying
11 it. To be sure, I'll say that it's a copy of a
12 letter dated November 21, 1955, directed to
13 Dr. K. W. Smith, Medical Director, Johns-Manville
14 Corporation. It bears my typed signature at the
15 bottom.

16 Q Now, having reviewed that letter, does that
17 refresh your recollection or allow you to recall
18 discussions that you had with Dr. Smith relative
19 to the proposed epidemiological study?

20 A Yes, sir.

21 Q Can you tell us what discussions you had with
22 Dr. Smith during that time?

23 A I discussed two things with Dr. Smith. One was
24 the survey, epidemiologic survey, of asbestos
25 miners in Quebec in the towns of Asbestos and

1 Dr. Braun - Cross

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3 Thetford Mines, and the other thing was proposed
4 survey of the medical setup at Johns-Manville's
5 several locations.

6 Q All right, sir. Would this particular document
7 be a part of the letterwriting correspondence that
8 you had with Dr. Smith, some of which has already
9 been identified as Plaintiff's Exhibits 2, 5,
10 7, 8 and 13, assuming that those are documents
11 involving correspondence with Dr. Smith?

12 A Yes, it would be.

13 Q Referring again to Defendant Johns-Manville's
14 Exhibit No. 1, could you tell us, please, sir,
15 how it was that you first started moving towards
16 the epidemiological study you have referred to
17 and that is referred to in these particular
18 documents, or have you ever told us that?

19 A No, I may not have. Obviously sometime prior
20 to November 21, 1955, there was some informal
21 discussion which led us at the Foundation to
22 believe that Johns-Manville as a member of the
23 QAMA was interested in an epidemiologic study.
24 It was also mentioned informally that they would
25 like to have a medical survey, which was quite

1 Dr. Braun - Cross

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3 different. It would be a survey or audit of their
4 medical facilities.

5 Q All right, sir. What was the proposed subject
6 matter of this particular epidemiological study?

7 A To determine whether or not there was an excess
8 of lung cancer among miners of asbestos.

9 Q Could you tell the court and jury, please, at this
10 point in time in late 1955 what your understanding
11 was of the present state of medical knowledge or
12 the present state of the studies with respect to
13 that particular topic.

14 MR. PATRICK: Excuse me. Let me go
15 ahead and put on the record an objection at
16 this point, because this is where we contend
17 that the scope of examination greatly exceeds
18 that of direct. Just for any future use
19 of this deposition -- as I understand it,
20 this objection is reserved, but at this
21 point I'd simply like to make the record
22 clear that we would object to any questions
23 along this line and previous questions which
24 you have had as being beyond the scope of
25 direct examination, and when you start

1 Dr. Braun - Cross
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5 getting into the QAMA study.
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MR. YOUNG: As I understand it, we are
reserving all objections to the form of the
question, except as to the question being
leading; and that would, at least on behalf
of Johns-Manville, encompass objections you
might have as to whether or not the questions
are outside the scope of direct.

MR. PATRICK: Thank you. I just wanted
to make sure that that was clear on the
record.

14 BY MR. YOUNG:

15 Q Do you remember what I asked you, Doctor?

16 A No. I'd have to have that read back.

17 Q Let me just see if I can ask it again. What
18 was your understanding or your feeling in
19 November of 1955, and at the time the plans were
20 being made for this particular study, as to the
21 state of the research or medical knowledge with
22 respect to the proposed topic for this study?

23 A My understanding at that time was that over a
24 period of about 20 years there had been reports
25 of the simultaneous appearance of lung cancer and

1 Dr. Braun - Cross

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3 asbestos, and that some people felt that the
4 asbestos or asbestosis was the cause of the lung
5 cancer, but I realized that those opinions were
6 formulated on something that didn't satisfy me
7 and didn't satisfy a lot of other people as to
8 a direct causal connection. They were in selected
9 groups of people. In some cases it was autopsy
10 material, only people who came to autopsy. And
11 while there was a strong suggestion, my feeling
12 at that time was that it had not been proven one
13 way or the other and that an epidemiology survey
14 would be helpful.

15 Q Were there some writers or experts in the field
16 at that period of time who took both sides of
17 the issue?

18 A Some on each side; that's right.

19 Q Who was it that was ultimately chosen to be the
20 cohort for the study? Do you understand my
21 question?

22 A Yes, I do.

23 Q And once you have told us that tell us why it
24 was that you picked that particular group or
25 that group was picked.

1 Dr. Braun - Cross

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3 A Well, I thought you meant how did I exactly define
4 the cohort. We define a cohort usually as a group
5 of people who are on the payroll on a certain date
6 and who can be followed for a certain period of
7 time, hopefully at least 20 years. The exact
8 date that I picked them I don't remember now, but
9 we wanted to confine it to asbestos miners in the
10 crysotile mines because we felt that that would
11 be a pure exposure.

12 Q To asbestos?

13 A To asbestos, to crysotile asbestos.

14 Q Then was it your suggestion or someone else's
15 suggestion that the study be done and involve
16 that particular group of people?

17 A It was my suggestion.

18 Q Did you approach anyone at Johns-Manville
19 relative to the study?

20 A Yes.

21 Q And who was that, sir?

22 A Dr. Smith with respect to the exact implementation
23 of the study because he had been the physician
24 at Asbestos, the town of Asbestos.

25 Q Tell the jury who Dr. Kenneth Smith was or what

1 Dr. Braun - Cross

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3 his title was at this time.

4 A By this time he was Medical Director of the
5 Corporation, Johns-Manville Corporation.6 Q Was anyone else from Johns-Manville involved
7 in these discussions?

8 A Yes; Hugh Jackson.

9 Q What was his title?

10 A Hugh Jackson was manager of their Health & Safety
11 Program.12 Q Is that the Hugh Jackson that you referred to
13 earlier on your examination by Mr. Patrick?

14 A Yes.

15 Q Did you have a meeting with Dr. Smith in connec-
16 tion with this work through the IHF?

17 A Yes. I had several meetings with him.

18 Q All right, sir. Had you ever met or dealt with
19 Dr. Smith before that time?

20 A Yes, I'm sure I had.

21 Q During the course of the years that you worked
22 on the epidemiological study, did you continue to
23 converse and correspond with Dr. Smith?

24 A Yes.

25 Q Was that a frequent or infrequent occasion, or how

1 Dr. Braun - Cross

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3 would you describe that particular situation?

4 A I would say during that time we frequently talked.

5 Q Tell the jury, if you would, sir, what input with
6 you, if any, Dr. Smith had in forming either the
7 scope of this study or the manner in which it was
8 carried out.9 A Well, as I mentioned, Dr. Smith had been the
10 plant physician at the town of Asbestos and was
11 familiar with the type of records that were kept,
12 and his successor, Dr. Granger, was also brought
13 into the discussions, regarding the type of
14 records that were available, whether they had
15 knowledge of the employment period of the people
16 that were there, whether there was an insurance
17 program that covered these people; and Dr. Smith
18 suggested, and I concurred, that we make the
19 cohort as large as it could be because it's a
20 disease of small incidence and you want to get as
21 many people as you can for as long a period of time
22 as you can.23 Q All right, sir. Would it be fair to say then that
24 Dr. Smith was basically providing you with
25 information that would assist you in carrying out

1 Dr. Braun - Cross

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3 the study?

4 A Dr. Smith among others, yes.

5 Q Did you all develop a working relationship during
6 the period of time that the study was being
7 undertaken and done?

8 A Well, we worked together as was necessary. I
9 didn't bother him with things that I didn't need
10 his help on, and he didn't bother me.

11 Q To the extent that you needed him to do something
12 for you or provide you with some information, was
13 he generally available and willing to do that?

14 A Yes, he was. He was very helpful.

15 Q And did he direct your activities or tell you
16 specific things to do in connection with the
17 study?

18 A No, he did not.

19 Q Would you classify Mr. Smith as being supportive
20 or not supportive of your work and your study?

21 A Very supportive.

22 Q Did you have discussions with Dr. Smith about
23 the methods and approaches by which your
24 organization might undertake to perform this
25 epidemiological study?

1 Dr. Braun - Cross

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3 A Yes. In the proposal, I suppose, we told him how
4 we thought we could approach it and welcomed any
5 suggestions from him as to the approach to the
6 study, not the conduct of the study.

7 Q In the initial stages of the study did you do a
8 literature research up to that point in time?

9 A That was our starting point. That's right.

10 Q Did you discuss the results of that literature
11 search with Dr. Smith?

12 A I don't know. I'm not sure.

13 Q Ultimately you and the IHF undertook to do an
14 epidemiological study on a cohort of crysotile
15 miners in Quebec?

16 A Right.

17 Q During the period of time that we have been
18 talking about and during the period of time that
19 the study was done, performed and produced, do
20 you recall whether or not you had any discussions
21 with Dr. Smith concerning the subject of health
22 hazards to insulators as opposed to miners or
23 textile workers?

24 A Not with Dr. Smith.

25 Q So the jury will understand your answer then,

1 Dr. Braun - Cross -

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3 do I understand that you said that there were not
4 any discussions of that type with Dr. Smith?

5 A No. My reply is that I don't recall that I
6 talked over insulators or textile workers or
7 anything like that with Dr. Smith.

8 Q All right, sir. Were there any discussions at
9 any point in time when you were proposing the
10 cohort of the study relative to including therein
11 textile workers as well as miners?

12 MR. MOHER: I'm going to object to the
13 form of the question. I don't know whether
14 you are asking him if Dr. Smith spoke to him
15 or he spoke to Dr. Smith. In one situation
16 I obviously have a hearsay objection.

17 Q You can answer the question.

18 A Repeat your question, please.

19 Q Did you discuss with Dr. Smith during the initial
20 stages of the study as the cohort was being
21 formulated increasing the cohort itself to
22 include textile workers as well as miners?

23 A I think I answered that. I don't recall discuss-
24 ing that with Dr. Smith.

25 Q Did those discussions take place later when you

1 Dr. Braun - Cross

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3 began to consider the survey or study for the
4 American Textile Institute?

5 A Those discussions?

6 Q Not with Dr. Smith but just in general.

7 A In general. Well, specifically the discussions
8 relating to the inclusion of textile workers, not
9 in this study but in a separate study which could
10 be compared with this study, were with, I guess it
11 was, Myril Shaw of the American Textile Institute.

12 Q I'll ask you some questions about that ATI study
13 in a minute. Can you tell the court and jury why
14 you didn't choose asbestos insulation workers as
15 a subject for this particular epidemiological
16 study?

17 A I didn't exclude them, but it was my feeling, my
18 thinking, at the time that insulation workers are
19 not like a group of miners that you can gather
20 together and have a cohort followed. I thought
21 insulation workers worked in different places in
22 small groups possibly and would not be easy to
23 make a study of.

24 Q Was your decision in that regard affected in any
25 way by your understanding as to the amount of

1 Dr. Braun - Cross

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3 exposure insulators had to asbestos and, if so,
4 could you tell us about that?

5 A I had no knowledge of how much exposure they had,
6 but, as I say, I thought it was an intermittent
7 type of exposure and I had no reason to think that
8 insulation workers were at risk separately from
9 miners. Our information was that if asbestos
10 were to cause lung cancer, the best information
11 that you could get would be among miners who were
12 exposed only to chrysotile asbestos. Over a
13 period of time, I should say.

14 Q Did your literature of sorts reveal any reports
15 dealing with insulation workers that in any way
16 affected this decision?

17 A Well, I'm sure that insulation workers were
18 mentioned, as were weavers and textile workers,
19 in the British literature. I can be gratuitous
20 and say that I knew that there were no mines in
21 England, asbestos mines, and that the reports of
22 cases out of England were in people who worked in
23 factories using asbestos.

24 Q What about the Fleischner-Drinker Report? Did
25 your review of the Fleischner-Drinker Report have

1 Dr. Braun - Cross

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3 any effect on your not including insulation
4 workers in your cohort?

5 A I think it probably did.

6 Q Why was that?

7 A Because Drinker felt that the exposure of
8 insulation workers in shipyards, at least in the
9 Norfolk shipyards, represented minimal risk, if
10 any.

11 Q Do you recall whether or not you provided Hugh
12 Jackson with any of that particular information?

13 A That I did.

14 Q Is that mentioned in the correspondence with
15 Hugh Jackson that we have already discussed?

16 A I'm sure it is, yes.

17 Q Would you look at Defendant's Exhibit No. 2 and
18 identify that for us, please.

19 A Yes, sir. That's a memorandum to Dr. Walmer,
20 my superior at that time, from me about a meeting
21 that I had with Ken Smith and Hugh Jackson to
22 discuss the proposed study ^{for} of the Quebec Asbestos
23 Mining Association.

24 Q Was that document prepared after the study group
25 of the cohort had already been chosen?

1 Dr. Braun - Cross
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3 A No. It was before.
4
5

Q Take a look at Defendant's Exhibit 3 and identify
5 that for us, if you will, please.
6

A All right. Seven pages entitled, "Notes on
7 Dr. Braun's trip to Canada Re: Lung Cancer
8 Survey for Johns-Manville Corporation, February 28,
9 1956."

10 Q Did you prepare that particular document?
11

A Yes, I did.
12

Q Is that a document that was prepared after you had
13 made a trip to Canada?
14

A Yes, sir.
15

Q Tell the court and jury, if you will, sir, what
16 transpired when you went to Canada that gave
17 rise to that document or those notes?
18

A Well, as I said, it covers seven pages, and it
19 must have covered a week's time or ten days' time.
20

Q Well, with the other lawyers' permission, did you
21 basically go there to begin to gather information
22 so that you could start your study?
23

A I went there primarily on this occasion to find
24 out whether a study of this kind was feasible and
25 what sources of information were available.

1 Dr. Braun - Cross

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3 Q Was that document prepared during the time
4 period that you were writing and receiving those
5 documents involving Hugh Jackson that the
6 Plaintiffs' lawyer asked you about earlier?

7 A Well, in the same time frame, yes.

8 Q All right, sir. And you were telling your
9 superior at that time about the trip and what
10 you had done with respect to seeing that this
11 study was feasible and those types of things?

12 A That's right.

13 Q Was that particular trip referenced in Defendant's
14 Exhibit No. 3 after the meeting that you had with
15 Ken Smith and Hugh Jackson that's referred to in
16 Defendant's Exhibit No. 1?

17 A Well, I think it was. No. 1 simply refers to the
18 willingness to have a meeting. No. 2 refers to
19 a meeting of December 15, 1955, and this is
20 February 1956.

21 Q So I should have said Defendant's Exhibit No. 2?

22 A Right.

23 Q Now, by the time that Defendant's Exhibit No. 3
24 had been produced, had you already gotten into
25 the beginnings of your epidemiological study?

1 Dr. Braun - Cross

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3 A No. Possibly the literature search, I don't know,
4 but not the actual study.

5 Q All right, sir. This was just a sort of a
6 forerunner of the beginnings of the study itself?

7 A Yes.

8 Q Will you look at Defendant's Exhibit No. 4,
9 please, and identify that for us.

10 A Yes, sir. This is dated March 16, 1956. It's
11 on the letterhead of the Industrial Hygiene
12 Foundation, Mellon Institute, 4400 Fifth Avenue,
13 Pittsburgh, PA. It's addressed to Mr. W. H.
14 Soutar, Secretary of the Quebec Asbestos Mining
15 Association, and it is the preliminary proposal
16 to do a study which I had by that time found to
17 be feasible.

18 Q All right, sir. Is that the epidemiological
19 study that we have been talking about?

20 A Yes, it is.

21 Q Now, once again with respect to the epidemiologi-
22 cal study, will you take a look at Defendant's
23 Exhibit 5 and identify that for us, please.

24 A That's a five-page document entitled, "Memorandum
25 on Proposed Epidemiological Study of Lung Cancer

1 Dr. Braun - Cross
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in Asbestos Workers for the Quebec Asbestos
Mining Association." It's dated March 16, 1956.

Q What was the purpose of that particular document?
Why was it prepared?

A Well, it was prepared to give the Quebec Asbestos
Mining Association an idea of what we thought we
could do and how long it would take, how it would
be done, and how much it would cost.

Q Did you prepare that?

A Yes, I guess I did most of it.

Q Has your opinion with respect to the state of
the evidence and the data on the relationship
between asbestos exposure and lung cancer changed
at all between the time that you testified about
earlier and the time that this proposal was
prepared?

A No. When you asked me that, I was talking about
1955, 1956, and I said for the 20 years preceding
that there had been conflicting information.

Q All right, sir. Will you take a look, please,
at Defendant's Exhibit No. 6 and identify that
for us, if you will.

A Yes, sir. That's copy of a letter dated

1 Dr. Braun - Cross

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3 March 16, 1956, to D. R. Holmes of the Asbestos
4 Textile Institute from Dr. Walmer.

5 Q I believe you previously identified for Plaintiffs
6 counsel a proposed epidemiological study for the
7 ATI. Do you remember that?

8 A Yes, I did.

9 Q Can you tell us, please, sir, the relationship
10 between Defendant's Exhibit No. 6 and the proposed
11 epidemiological study for the American Textile
12 Institute?

13 A I have to have that read back or clarified.

14 Q All right.

15 A Do you mean the proposed study for the QAMA?

16 Q No, sir. I'm talking about the proposed study
17 for the ATI now. Defendant's Exhibit No. 6, what
18 was the purpose of that document?

19 A Well, as I said, we had the feeling -- when I
20 say, "we," I mean the Foundation -- that if we
21 could also study asbestos textile workers as well
22 as asbestos miners, we would develop more meaning-
23 ful information.

24 Q Were you trying to set up a meeting with someone
25 in Defendant's Exhibit No. 6?

1 Dr. Braun - Cross

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3 A That's the letter from Dr. Walmer and he is trying
4 to set up a meeting with Mr. Holmes.
5

6 Q So that the jury will understand this, were you
7 and the IHF at this point in time then proposing
8 two separate studies?

9 A Yes, we were. Separate, but I would say comple-
10 mentary.
11

12 Q And you have already told us the classification
13 of persons that would be involved in the studies.
14 Is that correct?

15 A Yes, the miners in the one study and the textile
16 workers in the other.
17

18 Q At any time during this time period -- and I'm
19 talking about 1955, '56 and '57 -- did you or
20 the IHF make any proposal to any organization to
21 do a study on insulation workers?

22 A No.
23

24 Q Would you take a look, please, sir, at --
25 A I have the cover sheet. It's Exhibit 7.

26 MR. YOUNG: Let's go off the record for

27 a second.
28

29 (Discussion off the record.)
30

31 Q Dr. Braun, look at Defendant's Exhibit No. 7 and
32

1 Dr. Braun - Cross

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3 tell us what that is and if perhaps you have
4 already identified it.

5 A It's an exact duplicate of your Exhibit No. 4,
6 a letter to Mr. Soutar from myself, dated March 16,
7 1956.

8 Q Okay. I'm sorry. What about Defendant's Exhibit
9 No. 8? You already identified that document?

10 A Yes. That's the duplicate of your No. 5.

11 Q Dr. Braun, will you look at Defendant's Exhibit
12 No. 9 and identify that for us, please.

13 A Yes, sir. It's a letter dated April 2, 1956, to
14 Kenneth Smith from me.

15 Q What is the purpose of that document?

16 A To let Dr. Smith know that we appreciated his
17 approval of our proposal to the QAMA.

18 Q And when you say proposal, you are talking about
19 the epidemiological study?

20 A Yes, sir.

21 Q And you are indicating that Dr. Smith apparently
22 approved your proposal?

23 A Yes. He thought it was all right.

24 Q So would you look at Defendant's Exhibit No. 10
25 and identify that for me, please, sir.

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A That's a letter on Johns-Manville Corporation
4 letterhead addressed to me from Dr. Smith, dated
5 March 29, 1956.

6

Q What is Dr. Smith doing?

7

A Thanking me for sending a copy of our proposed
8 study.

9

Q Was he acknowledging receiving your proposed
10 study?

11

A Yes, and making the suggestion that we look at
12 the people who lived around the mines as well.

13

Q Well, at this point in time what discussions, if
14 any, did you and Dr. Smith have as to how long
15 this particular study might ultimately go on and
16 with respect to following the cohort and those
17 types of things?

18

A I think that the proposal would indicate the
19 length of time we expected this study to take,
20 but we had suggested that it be a continuing
21 study because, as you accumulate years of
22 exposure and continue your calculations of what
23 they call standardized mortality ratios, you get
24 more complete, more definitive information.

25

Q So there was some thinking on your part that it

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3 might last into a period of ten to twenty years?

4 A Yes.

5 Q All right, sir. Would you take a look at
6 Defendant's Exhibit No. 11, please, sir, and
7 identify that for us.8 A Well, that is a duplicate of your No. 9. Here
9 is No. 9.10 Q All right, sir. We've already talked about that
11 particular document.

12 A Yes, sir.

13 Q Does that particular document have discussions
14 in it relative to the dual proposition that we
15 talked about earlier?16 A It has no reference to the proposal to do an
17 epidemiology study on the textile workers, but
18 it does mention the medical survey for J-M.19 Q These documents that we have been talking about
20 and which you have identified, are these documents
21 part of the ongoing relationship that you earlier
22 told us about with Dr. Smith during the time
23 period of the study?

24 A Yes.

25 Q And they would, I assume, include in there

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suggestions that he had relative as to how to go
about this study and how to gather information
and those types of things?

4

A Yes; how to gather information.

5

Q And you have already told us why it was that
Dr. Smith was particularly suited to help you in
that regard?

6

A Yes, I have.

7

Q Did Dr. Smith introduce you to someone at the
Thetford Mines that was of assistance to you with
respect to gathering information for your study?

8

A Yes. I think that he introduced me to Dr. Paul
Cartier.

9

Q Who was he?

10

A He was the chief physician of the Thetford
Mines Clinic, which was similar to the clinic at
Asbestos, Quebec.

11

Q Did Dr. Cartier make information available to
you?

12

A Yes, he did.

13

Q Can you give us some idea as to the information
that you requested and was provided to you in
that regard?

1
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3 A Well, if it covered the same thing it usually does,
4 I would have asked for employment records, medical
5 records, X-rays, insurance records if they were
6 kept at the clinic. It turned out that the
7 insurance records were at the Sun Life Insurance
8 Company. I went there to look at them.

9 Q Would you look at Defendant's Exhibit No. 12 and
10 identify that for us, please, sir.

11 A That's a copy of a letter on National Cancer
12 Institute of Canada's letterhead, dated April 13,
13 1956, to me from Dr. A. J. Phillips, the
14 statistician for the National Cancer Institute.

15 Q Was that document subsequent to any dealings that
16 you might have had with that individual?

17 A Yes, sir. He was one of the people I met on that
18 extended trip to Canada in order to develop as
19 much information as possible.

20 Q Would you take a look at Defendant's Exhibit No. 13
21 and identify that for us, please, sir.

22 A That's a copy of a letter dated June 7, 1956, to
23 Mr. Ivan Sabourin from Dr. Walmer.

24 Q What was the purpose of that letter being written?

25 A To inform Mr. Sabourin that we were pleased to

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3 have the approval of the QAMA to do the study.

4 Q Who was Mr. Sabourin?

5 A He was the attorney, as I say, for QAMA, and
6 I believe also for Johns-Manville, Canada.7 Q Was he of assistance to you in preparing and
8 carrying out your study?9 A He was of great assistance. He was a very well-
10 known attorney in the Province of Quebec. He
11 knew all of the government people who were con-
12 cerned with occupational medicine, statistics, and
13 demography, and he introduced me to many of them,
14 including the Minister of Health.15 Q Would you look at Defendant's Exhibit 14 and
16 identify that for us, please, sir.17 A Yes. Another letter dated October 11 on the
18 letterhead of National Cancer Institute addressed
19 to me. It consists of two pages from Dr. Phillips
20 with a copy to Mr. Sabourin.21 Q I believe we previously marked the second page
22 of that document, for whatever reason, as 14A.

23 A Yes.

24 Q Is that correct?

25 A That's correct.

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Q Would you tell the court and jury, sir, why you
would have consulted with Dr. Phillips and how
the information you gained from him was to be
used in the epidemiological study.

7

A Yes. As statistician for the National Cancer
Institute of Canada, he would have a record of
the cases of cancer that occurred in Canada and
a breakdown of the types of cancer and where
they occurred and that sort of thing.

12

Q Saying that he was interested in your study?

13

A Yes, he was.

14

Q Would you look at the Defendant's Exhibit No. 15
and identify that for me, please, sir.

16

A Yes, sir. It's a letter to Dr. W. M. Gafafer,
dated November 16, 1956, from me.

18

Q Who was Dr. Gafafer?

19

A Dr. Gafafer was a statistician of national
repute. He was called technical adviser to the
Occupational Health Program, Division of
Special Health Services, Department of Health,
Education & Welfare, Washington, D.C.

24

Q All right, sir. Was that letter generated during
about the same period of time as the other

3 documents we have discussed dealing with your
4 epidemiological study for the QAMA and the
5 proposal for the ATI?

6 A It was generated about the same time.

7 Q If you would, please, sir, would you tell this
8 court and jury who David Truan is or was.

9 A Dave Truan was a graduate of the Graduate School
10 of Public Health in Pittsburgh at the University
11 of Pittsburgh in epidemiology and biostatistics.
12 He came out of the school to work with me on this
13 particular study and several others of an
14 epidemiological nature.

15 Q "This particular study" is the epidemiological
16 study that we have been talking about?

17 A Of lung cancer in asbestos miners, right.

18 Q For the QAMA?

19 A Right.

20 Q Did that ultimately become known as the Braun-
21 truan Study?

22 A That's what some people call it.

23 Q Not to be facetious, but the Braun is obviously
24 you. Right?

25 A Yes, sir.

2

3 Q Was the Braun-Truan Study, in simple terms, your
4 report of the results of the epidemiological
5 study?

6 A That's right.

7 Q Would you take a look at Defendant's Exhibit No.
8 16 and identify that for me, please, sir.

9 A That's an interim report dated January 29, 1957,
10 to the QAMA on the epidemiologic study of lung
11 cancer in asbestos workers.

12 Q Would you give the date of that report to us.

13 A January 29, 1957.

14 Q To whom was that interim report submitted,
15 Doctor?

16 A Well, everything we submitted to the QAMA was
17 submitted to Mr. Sabourin. There isn't any
18 indication on here of an addressee, but I would
19 be certain that this would go to Mr. Sabourin
20 for distribution to his client.

21 Q Would you look at Defendant's Exhibit No. 17.

22 A Yes, sir.

23 Q And there is an attachment there that's been
24 identified as 17A, which I believe is the same
25 as 16, but would you identify 17 for us.

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3 A Yes, sir. That's dated January 29, 1957, a letter
4 from me to Dave Truan enclosing a draft of this
5 interim report and asking for his comments.

6 Q All right, sir. Look at Defendant's Exhibit No.
7 13, if you will, and identify that for us.

8 A Copy of letter of March 8, 1957, to Ivan Sabourin
9 from me covering the enclosure of 20 copies of
10 this interim report.

11 Q The interim report was D-16; is that correct?

12 A Yes, sir.

13 Q So then we have now established that the report
14 was sent to Mr. Sabourin. Is that correct?

15 A I'm sure it was.

16 Q The interim report that we have been talking about,
17 is that a followup from the original proposal for
18 the epidemiological study that we talked about
19 earlier?

20 A Well, it's our custom to give interim reports to
21 the sponsor to tell them what we have gotten, what
22 we have done up to date, that sort of thing.

23 Q Was that the first report that you did with
24 respect to this epidemiological study?

25 A I would think it would be.

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3 Q Even though you did the majority of the work
4 on the particular report, it was actually produced
5 by the IHF; is that correct?

6 A Yes.

7 Q Would you look at Defendant's Exhibit No. 19 and
8 tell me if that is another copy of Defendant's
9 Exhibit No. 16, or is that possibly a later
10 interim report?

11 A No, I don't think so. I think it's the same
12 thing but typed. It's not a copy. It's re-typed
13 so that the pages don't exactly match.

14 Q All right, sir. Could you tell the jury, if you
15 would, up to this point in time what Dave Truan
16 had done or was to do toward the production of
17 the Braun-Truan report?

18 A Yes, sir. David Truan, as I said, was an
19 epidemiologist-biostatistician. His expertise
20 was in mathematics and statistics. When a person
21 such as I collected data and turned it over to
22 him, he would tabulate it and make calculations
23 from which he would draw statistical conclusions.

24 Q Did he make any changes of any substance to the
25 interim report that you forwarded to him that we

1 Dr. Braun - Cross
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discussed earlier?

4 A No. His input would have been into the material
5 that went into the interim report, and if he made
6 any changes in that, they would have been grammatical
7 or punctuation or something like that. They
8 would not have been substantive changes.

9 Q All right, sir. Would you look at Defendant's
10 Exhibit No. 20 and identify that for me, please,
11 sir.

12 A It seems to be another 19. Exhibit No. 20 is
13 the report on an epidemiological study of lung
14 cancer in asbestos miners for Quebec Asbestos
15 Mining Association, Quebec, Canada, July 1956
16 to July 1957, dated September '57, the work done
17 by me, the report countersigned by Dr. Walmer.

18 Q Dr. Braun, can you tell us, if you will, please,
19 what discussions you might have had with
20 Mr. Gafafer or Dr. Gafafer relative to this
21 epidemiological study.

22 A Well, I can't tell you specifically or exactly,
23 but I had great respect for Dr. Gafafer's
24 ability as an epidemiologist. On this study and
25 several others I asked him to look at them to see

3 if he felt that there was anything that I should
4 have done that I hadn't done, if I had handled
5 the material in the proper way, and that sort of
6 thing.

7 Q And had you dealt with Dr. Gafafer when you had
8 done other epidemiological studies?

9 A Yes, I had.

10 Q You pretty much told us already who he is, but,
11 as I understand it, he was one of the leading
12 epidemiologists during this time period.

13 A Yes, I think he was.

14 Q Did you solicit his advice and opinions and
15 suggestions relative to Defendant's Exhibit No.
16 20?

17 A Yes. I sent him a copy of it. I sent him a copy
18 of the condensation which was to be published. I
19 asked him the same questions that I asked him
20 about other epidemiology studies that I conducted
21 at that time.

22 Q Did you tell him during the period that the
23 study was being performed and put into final
24 form that you would try to keep him advised as
25 to how it developed? Do you recall doing that?

1 DR. BRAUN - CROSS
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6 A I probably did.
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9 Q Look at Exhibit No. 21 and identify that for me,
10 if you will, please.
11
12

13 A It's a letter to Dr. Gafafer dated January 14,
14 1957, from me, which is a covering letter for the
15 manuscript which was to be published in the
16

17 Archives of Industrial Medicine or Occupational
18 Health or whatever.
19

20 Q In what position were you writing Dr. Gafafer?
21 What was his title or how was he being written
22 in that particular exhibit?
23

24 A Technical Adviser of the Occupational Health
25 Program, Division of Special Health Services,
1 Department of Health, Education & Welfare in the
2 National Capital; but not in that position. Just
3 as a friend and as a consultant, somebody in
4 whom I had a lot of confidence.
5

6 Q Did you ultimately submit a condensed version
7 of the study to someone for publication?
8

9 A Yes, we did.
10

11 Q Now, we previously discussed some correspondence
12 back and forth between you and Mr. Sabourin
13 concerning comments that Dr. Smith had about your
14
15

1 Dr. Braun - Cross

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3 report. Do you recall those documents?

4 A I do recall the documents.

5 Q Did Dr. Smith in fact suggest some matters rela-
6 tive to your report and its publication?

7 A Yes, he did.

8 Q Now, with respect to the IHF and its policy on
9 the submitting of reports to be published to the
10 sponsor, can you tell the jury what the IHF's
11 policy was at this time in that regard?

12 A It was and is that ^{the} final report of any study which
13 was to be published -- I should go back and say
14 that our policy is that if we do a study and it's
15 publishable, we reserve the right to publish it,
16 but we do give the sponsor the courtesy of looking
17 at it before it's published.

18 Q All right, sir. Did you all do that in this
19 instance?

20 A Yes, we did.

21 Q Now, would you tell the jury, if you would, sir,
22 with respect to any changes suggested by
23 Dr. Smith in this report, whether or not they
24 were incorporated and, further, whether or not
25 these changes in any way changed the content or

1 Dr. Braun - Cross
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the substance of the report.

A Well, the letter was from Dr. Smith to
Mr. Sabourin and it commented on several things
in the report ^{and} that made suggestions. That's the
letter that was received, I think, on the last
day of my tenure with the Foundation at that time.

I subsequently saw the letter, and it must
have been before we actually submitted it for
publication. I don't remember. I think that we
have the letter here. I can find out what those
suggestions were. They did not change the substance
of the report.

Dr. Smith suggested that maybe I was talking
over the heads of people if I said certain things;
and I didn't think that I was, so I didn't incor-
porate that change. There may have been other
smaller changes of words or something like that.

Q Getting back to the publication situation that
we discussed a minute ago, was Dr. Gafafer the
individual you sent the condensed version of the
Braun-Truan Study to?

A I think I did send him the full report and the
condensed version, but not for publication.

1 Dr. Braun - Cross

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3 Q No, sir. I'm sorry. Would you look at Defendant's
4 Exhibit No. 22 and identify that for us, if you
5 will please, sir.

6 A I think this is another copy of the report.

7 Q We lost the cover sheet. My notes indicate that
8 it's a copy of the condensed version.

9 A That's possibly true. Is this 22? Yes, it has
10 to be. Yes, this is the version for publication.
11 The way I can tell that is it has the footnote,
12 "This study was made possible through a grant."

13 Q All right, sir. If you would, would you tell
14 us if there is any substantive change between the
15 condensed version and the full version that we
16 discussed earlier.

17 A *See explained*
18 No, there is not. ~~I'll explain~~ many times that
19 when you publish an article, a report that's
20 200-some pages, you must get it down into
21 publishable, manageable size. There would be
22 no sense at all in publishing it if it didn't
23 tell what was in the report, but there are a lot
24 of extraneous things in the report, for the
25 edification of the sponsor perhaps, which don't
go into a scientific journal. The report is

1 Dr. Braun - Cross

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3 exactly the same.

4 Q Would you look at Defendant's Exhibit No. 23 and
5 identify that for us, please, sir.

6 A Yes, sir. This is a copy of a letter dated
7 January 8, 1958, to Dr. Herbert Stokinger, Division
8 of Occupational Health Field Headquarters, U. S.
9 Public Health Service, 1014 Broadway, Cincinnati
10 26, Ohio, explaining to Dr. Stokinger, who was
11 acting editor of the Archives, whatever it was
12 called at that time, that Dr. Drinker had advised
13 me to send the manuscript to him in his absence
14 for consideration for publication.

15 Q Who was Dr. Stokinger?

16 A Dr. Stokinger was with the U. S. Public Health
17 Service and I believe was head of their Division
18 of Field Headquarters, and he was also their
19 representative on the American Conference of
20 Governmental Industrial Hygienists.

21 Q What is the U. S. Public Health Service called
22 now?

23 A That is now the National Institutes of Occupa-
24 tional Health, or NIOSH.

25 Q Now, this is where you were sending the manuscript

1 Dr. Braun - Cross

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3 to begin a move towards having it published.

4 Is that correct?

5 A That's correct.

6 Q At any point in time did the QAMA ever ask you
7 not to publish this work or any part of it?

8 A No. They were anxious to have it published.

9 Q And that would be true from the time period that
10 the study was initially contemplated throughout?

11 A Yes. There was an understanding between us that
12 if it was a publishable report, acceptable to a
13 scientific journal, it would be published.

14 Q Dr. Braun, would you look at Exhibit No. 24 and
15 identify that for us, please.

16 A That is a reprint of the report that was
17 published, and it was then called the American
18 Medical Association Archives of Industrial
19 Health. The journal changed its name a number
20 of times.

21 Q That's the name of the journal in which the
22 Braun-Truan Study was published?

23 A That's correct.

24 Q And was it published in the same form it was
25 originally submitted to Dr. Stokinger?

1 Dr. Braun - Cross

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3 A Yes.

4 Q All right, sir.

5 MR. IWLER: Excuse me. Do you have
6 a date of publication?

7 THE WITNESS: Yes. Accepted for
8 publication January 20, 1958. The date of
9 the journal in which it was published is
10 Volume 17, June 1958.

11 BY MR. YOUNG:

12 Q Was Dr. Stokinger the acting editor of that
13 particular journal at that time?

14 A Yes, he was.

15 Q Would you look at Defendant's Exhibit No. 25,
16 please, Doctor, and identify that for us.

17 A That's a letter on the letterhead of the AMA,
18 American Medical Association, Archives of
19 Industrial Hygiene and Occupational Medicine,
20 to me from Dr. Stokinger.

21 Q What is Dr. Stokinger telling you in that letter?

22 A He's telling me that the article has been reviewed.
23 This is a peer review journal, and they are
24 pleased to accept it for publication; and he
25 was kind enough to say that he found it a model

1 Dr. Braun - Cross

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3 of the epidemiological method in diseases of the
4 lung.

5 Q And you received that letter?

6 A With gratitude.

7 Q Would you look at Defendant's Exhibit No. 26.

8 MR. ROSENBERG: What is the date of
9 Exhibit 25, please?

10 THE WITNESS: January 20, 1958.

11 MR. ROSENBERG: Thank you.

12 BY MR. YOUNG:

13 Q Look at Exhibit 26, if you would, please, and
14 I'll ask you to identify that and tell us whether
15 or not that's a document that Dr. Stokinger sent
16 you along with Exhibit 25.

17 A Right. It refers to the last part of his
18 letter to me, saying that he was enclosing a
19 review, which contains a few sentences that
20 I have marked in this connection, that appears
21 in the Annual Review of Medicine, which was
22 his paper published in the Annual Review of
23 Medicine, Volume 7, 1956, called, "Toxicological
24 Aspects of Occupational Hazards."

25 Q Dr. Braun, had you before corresponding with

1 Dr. Braun - Cross
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4 Dr. Stokinger discussed the publication of your
5 paper with Dr. Drinker, whom we referred to
6 earlier?

7 A Yes. Dr. Drinker was the editor of the Archives
8 and was the logical man to approach for permission
9 to publish, and he was going to be away and
10 suggested -- and I imagine that this was by
11 telephone call -- that I contact Dr. Stokinger,
12 who was acting editor.

13 Q Is he the Drinker of the Fleischer-Drinker Report?

14 A Yes, indeed.

15 Q That we've talked about earlier?

16 A Yes.

17 Q Do you recall what position Dr. Stokinger had, if
18 any, with the American Conference of Governmental
19 Industrial Hygienists?

20 A I think that he was the chairman of that
21 conference.

22 Q Do you have any recollection of him having
23 involvement with the Threshold Limit Value
24 Committee?

25 A Yes. That's the committee that sets the TLV's
or Threshold Limit Values.

1 Dr. Braun - Cross

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3 Q Can you tell us, if you would, please, sir, the
4 reputation that the journal that the Braun-Truan
5 Study was published in and enjoyed in the medical
6 research community.

7 A It's what is considered a reputable peer review
8 journal.

9 Q So that the jury will understand that, that means
10 that, generally speaking, medical and research
11 personnel across the country would be receiving
12 or viewing that particular journal as it was
13 published?

14 A Yes. Scientific people would receive the
15 journal. The articles submitted are submitted
16 to a peer review committee, who review the
17 articles before they are accepted for publication.

18 Q So would you look at Defendant's Exhibit No. 27,
19 please, Doctor, and identify that for us.

20 A That's a reprint from the Archives of Environment
21 Health, Volume 28, February 1974, entitled,
22 "The Health of Crysotile Asbestos Mine and
23 Mill Workers of Quebec," by J. Corbett McDonald
24 and others.

25 Q Who was he?

1 Dr. Braun - Cross
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A J. Corbett McDonald was an epidemiologist originally from England, I believe, who went to McGill University and was there at the time that he made this study, and he has since returned to England.

Q Now, sir, so that the jury will understand the relationship of this document to your work, if you would, just tell us if there is a relationship and, if so, what it is.

A There is in the sense that he studied the same problem some 17 years later and, therefore, had the advantage of a longer exposure time to review, and I believe more people. I'm sure that he had more people, but he included the people that we had studied and, in fact, we gave him our data.

Q All right. Would you look at the Defendant's Exhibit No. 23 and identify that for me, sir.

A Yes, sir. That's a letter dated April 26, 1957, on letterhead of Asten-Hill Manufacturing Company, addressed to me, from Mr. D. R. Holmes, Chairman of the Air Hygiene Committee of the Asbestos Textile Institute.

MR. MOHER: What is the date on that,

1 Dr. Braun - Cross

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3 please?

4 MR. YOUNG: April 26, 1957.

5 Q Is your proposal which we discussed earlier for
6 the ATI being rejected?

7 A Yes.

8 Q So that the jury will understand everything that
9 we've talked about today, then the QAMA study
10 went forward, was completed and published; but
11 the ATI ultimately rejected your proposed study
12 of the textile workers?

13 A That's correct.

14 Q And you don't have any knowledge as to why that
15 happened?

16 A No.

17 Q Was Mr. Hugh Jackson your contact at the ATI?

18 A Yes. Hugh Jackson was the person that we relied
19 upon to get our message across to ATI. Holmes
20 was the fellow that we eventually wrote to to
21 formalize it.

22 Q Was Mr. Jackson cooperative in that regard?

23 A Yes. I'm sure he wanted to get that study for
24 us.

25 Q Now, would you tell us, please, sir, if you would,

1 Dr. Braun - Cross

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3 with respect to the Braun-Truan Study itself,
4 that was the final writing, so to speak, with
5 respect to this epidemiological study. Is
6 that correct?

7 A That's correct.

8 Q Would you tell us, please, sir, whether or not
9 anybody ever tried or did alter or change that
10 particular study or the opinions therein?

11 A I have already stated that nobody did.

12 Q Would you look at Defendant's Exhibit No. 29,
13 please, Dr. Braun, and identify that for us.

14 A Letter dated May 3, 1957, to Mr. Holmes of the
15 Air Hygiene Committee of the ATI, from me, thanking
16 him for turning us down.

17 Q Dr. Braun, those are all the questions that I have.
18 Thank you very much.

19 A You are very welcome.

20
21 BY MR. SMALL:

22 Q Dr. Braun, I have just a few questions for you.
23 You testified earlier that the offices of the
24 Industrial Health Foundation are located in
25 Pittsburgh. Is that correct?

1 Dr. Braun - Cross
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3 A Yes, they are.
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6 Q And has at any time the IHF or any of its
7 predecessors had any office in any city other
8 than Pittsburgh?
9

10 A No. It started out in the Mellon Institute in
11 Pittsburgh, and the only other office we had is
12 what we occupy now.
13

14 Q Is it correct then to say that the IHF never had
15 any staff or field office located in the Pacific
16 Northwest, in particular in the States of
17 Washington and Oregon?
18

19 A ~~No~~ That's correct.
20

21 Q And during the period of time about which you
22 have testified this morning, namely, the period
23 1951 to 1957, did you have any communications with
24 any personnel from the Puget Sound Naval Shipyard
25 in Bremerton, Washington?
26

A Not that I know of.
27

28 Q To your knowledge, did anyone else from the Industrial
29 Health Foundation or its predecessors?
30

A I wouldn't be able to answer that.
31

32 Q During that same period of time did you have any
33 discussions with any personnel from any other
34

1 Dr. Braun - Cross

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3 shipyard in the Northwest?

4 A Not to my knowledge.

5 Q Did you have any communications, be they discus-
6 sions or correspondence, with any of the personnel
7 from any of the unions whose members worked at
8 shipyards in the Pacific Northwest?

9 A No. The only correspondence from a union that
10 I remember was in this group of exhibits and was
11 from the Refrigeration Workers Union.

12 Q That was the letter from Mr. Kane; is that
13 correct?

14 A That's correct, yes.

15 Q And that was previously marked and identified
16 as Exhibit 8, I believe. Is that correct?

17 A I don't remember the number.

18 Q I think the record will show that it was. And
19 that was a letter from Mr. Kane, who was a local
20 union representative. Is that correct?

21 A Yes, that's right.

22 Q From Pittsburgh?

23 A I don't remember.

24 Q Is it correct to say, based on your prior
25 testimony about the cohort with respect to your

1 Dr. Braun - Cross

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3 epidemiological study, that it did not encompass
4 any workers at any shipyards in the Pacific
5 Northwest?

6 A -No. It was strictly limited to crysotile miners
7 in Asbestos and Thetford.

8 Q Thank you very much.

9 A You're welcome.

10
11 BY MR. LAWTON:

12 Q Doctor, on certain occasions did the IHF perform
13 studies for or at the request of companies which
14 were not members of IHF?

15 A I can't say that they didn't, but it's our
16 general policy to do studies only for member
17 companies.

18 Q Do you recall IHF performing a study for
19 Pittsburgh Corning Corporation?

20 A Yes, I do, and I can explain that in that
21 Pittsburgh Plate Glass, now PPG, was the member
22 that requested that study.

23 Q But Pittsburgh Corning Corporation was not a
24 member?

25 A Was not. That's correct.

1 Dr. Braun - Redirect

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3 MR. LAWTON: Thank you, Doctor.
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REDIRECT EXAMINATION

6 BY MR. PATRICK:

7 Q I have just a few questions, Doctor. Pursuant
8 to the subpoena you did bring all of your records
9 relating to asbestos-related diseases?

10 A Yes.

11 Q And that kind of research done by the IHF, and
12 I had you identify certain particular documents.
13 Would that be correct?

14 A Yes.

15 Q But there are here at the deposition today a
16 number of other boxes of materials relating to
17 asbestos disease, and in the back I believe you
18 said that there are some Industrial Hygiene
19 Digests. Is that correct?

20 A Yes. In those five boxes back there are the
21 bound volumes of our Industrial Hygiene Digest,
22 which has been published since 1957 to the
23 present date, and they are bound year by year
24 in those.

25 Q Would the Industrial Hygiene Digest be sent out

1 Dr. Braun - Redirect

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3 to member companies?

4 A Yes, it was.

5 Q And within the other correspondence and the
6 other documents you brought with you, would there
7 be a list of the member companies as they existed
8 yearly as members of the IHF?

9 A During the course of these depositions we have
10 been asked for the membership list year by year
11 and we found that we didn't have some of them,
12 but we tried to reconstruct it and we have a
13 reconstructed list which may not be 100 percent
14 accurate but represents the members that we have
15 had over the years.

16 Q And all of these documents you brought today are
17 maintained within the archives of the IHF?

18 A Yes, they are.

19 Q Not limited to the documents I had you identify?

20 A No.

21 Q But all of the documents that you brought today?

22 A That's correct.

23 Q And are you, in fact, as president of the IHF
24 the custodian of all of these documents within
25 the archives?

1 Dr. Braun - Redirect

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3 A Yes. They are my responsibility.

4
5 MR. PATRICK: I have no questions as
6 to the subject matters raised by the cross-
7 examination of the representative from
8 Johns-Manville. I would object strenuously
9 to the cross-examination being beyond the
10 scope of my direct examination. I would like
11 to place that on the record. If at any time
12 that examination is used by a court, I would
13 reserve my right to come back and examine
14 Dr. Braun on the substantive matters as
15 raised within the cross-examination by
Johns-Manville.

16 MR. MOHER: I have just a couple questions.

17
18 RECROSS-EXAMINATION

19 BY MR. MOHER:

20 Q Dr. Braun, H. K. Porter Company was not a member,
21 company of IHF, was it?

22 A Not to my knowledge. I wouldn't say definitely
23 they were not.

24 Q And the Southern Asbestos Company, now known as
25 the Southern Textile Corporation, was created in

1 Dr. Braun - Recross

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3 1974 and they are not a member of the IHF?

4 A No. My knowledge goes back to 1974 and I'm
5 sure that they weren't.

6 Q Doctor, you said there is a list in the documents
7 that you brought.

8 A Yes.

9 Q Could you identify that list for us, please?

10 A I think I could.

11 (Discussion off the record.)

12 (Dr. Braun Deposition Exhibit B was

13 marked for identification.)

14 BY MR. MOHER:

15 Q Dr. Braun, the documents that have now been
16 marked Braun B for identification, do those
17 documents contain the lists, and that's plural,
18 of the member companies that are available to you
19 today?

20 A Yes, they do.

21 Q And you have spent some time in compiling those
22 lists or trying to locate those lists?

23 A Yes.

24 Q And if a company did not appear on those lists,
25 the probability would be that they would not be

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6 a member of IHF. Is that correct?
7

8 A A strong probability that they were not a member.
9

10 Q Doctor, when you were involved with the QAMA,
11 did you deal with any other mining company other
12 than Johns-Manville?
13

14 A Well, indirectly. The Thetford Mine Clinic
15 served seven or eight mining companies grouped
16 around Thetford Mines, Quebec; and the Asbestos
17 Clinic served, as far as I know, only Johns-
18 Manville's Asbestos, Quebec, Mine. So that the
19 records record that we looked at at Thetford would
20 include a number of companies. Bell Asbestos is
21 one that I remember.
22

23 Q Any mining concerns other than Bell and Johns-
24 Manville?
25

26 A Yes, sir. In those documents we just looked at,
27 the report, the memorandum I prepared for
28 Dr. Walmer lists the companies served at
29 Thetford Mines Clinic.
30

31 Q Other than employees of Johns-Manville Corpora-
32 tion, did you associate or deal with, during
33 your study dealing with the QAMA, any other
34 employees of any other corporation that mined
35

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3 asbestos?

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5 MR. YOUNG: I'm going to object to the

6 form of that question. There has been no

7 testimony that he was dealing just with

8 employees of Johns-Manville for the reasons

9 that he just stated; and, furthermore, I

10 don't believe that Johns-Manville is the

11 appropriate employer for the persons that

12 were working and being seen at that

13 particular clinic.

14 A I'm not even sure that any Johns-Manville people

15 were seen at the Thetford Clinic.

16 Q You seem to have had some dealings with Hugh

17 Jackson.

18 A Yes.

19 Q And with Dr. Kenneth Smith.

20 A Right.

21 Q Both of those gentlemen were employees of

22 Johns-Manville?

23 A Yes, they were.

24 Q Now, did you deal with employees of any other

25 corporation on the same level that you dealt with

Dr. Smith or Hugh Jackson?

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3 A I don't know what level Dr. Paul Cartier was on
4 with the various companies that he served, but
5 he had a position equivalent to the position that
6 Dr. Smith held at Asbestos, not in New York but
7 at Asbestos. He was the plant physician, let's
8 say.

9 Q And that's the asbestos corporation of Canada?

10 A Asbestos, Canada. Asbestos is the city or town
11 or whatever, and Thetford Mines is a town. Grouped
12 around Thetford Mines is a number of other
13 mining companies, asbestos mining companies.
14 Bell is the one I remember, probably because it's
15 easy to remember.

16 Dr. Cartier was the plant physician for those
17 companies, as Dr. Smith was in his time at
18 Asbestos, the City of Asbestos. He was succeeded
19 there by Dr. Granger, with whom I also dealt,
20 and I may have met -- I wouldn't say dealt with --
21 executives of some of those other companies.

22 MR. MORER: Thank you, Doctor. I have
23 no further questions.

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3 BY MR. ROSENBERG:

4 Q Doctor, you indicated that some companies are
5 in and out of IHF as members.

6 A Yes.

7 Q They would get the Digest only in the year of
8 membership. Would that be correct?

9 A Well, that's technically correct. When a company
10 quits, they don't always tell us immediately,
11 and we think that they are just late in paying
12 their dues and continue their subscriptions.

13 Q But, by and large, that would be so?

14 A Technically, that's so.

15 Q Do you have any personal knowledge of the
16 dissemination of the Digest, as to how it is
17 done from IHF, who does it, the mechanics of it?

18 A Yes, I have personal knowledge of that.

19 Q Do you have any personal knowledge -- I gather
20 you would not -- how it is received at the
21 various recipient companies?

22 A Yes, in a way I do. We have in each member
23 company what we call a liaison person. That's
24 the person to whom the invoice for dues goes,
25 any correspondence that's related to membership

2
3 services, and that sort of thing; and that's
4 where the Digest goes, except that companies
5 that get a number of subscriptions furnish us
6 with a list of personnel to whom the Digest is
7 to be directed. Some companies get 20 subscrip-
8 tions. They give us 20 names to put on the
9 addressograph machine.

10 Q Would you have this information available now as
11 to whom the various Digests were sent ten, fifteen
12 twenty years ago?

13 A No way, no.

14 Q If I would pinpoint one of those companies to
15 whom the Digest would be sent or how it would
16 be handled after it was received by that company,
17 you could not tell us that today?

18 A No. That mailing list is kept current, but ones
19 that are taken off are not kept.

20 Q All you can say is that a certain company got at
21 least one Digest?

22 A Yes, sir.

23 Q But not to whom it was sent, the capacity of the
24 person who received it, or the knowledge of the
25 person?

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3 A No.

4 Q Or what happened to it after he received it?

5 A Or whether he read it.

6 MR. ROSENBERG: Thank you, Doctor.

7
8 BY MR. IWLEI:

9 Q Dr. Braun, I noticed that when you were talking
10 about epidemiological surveys as opposed to
11 case studies, I believe you defined what an
12 epidemiological study is for the attorney for
13 Johns-Manville. Are case studies given more
14 credence in the medical literature and among
15 medical people, or are epidemiological studies
16 given more credence?

17 A That's very difficult to answer. They serve
18 different purposes. A case study is a report of
19 a series of cases. It might be one or two or
20 dozens of cases. It is not intended to show a
21 causal relationship between exposure and an
22 end result. For example, the case study that
23 started all this was Lynch's case study in 1935.

24 Q Well, Lynch was a pathologist. Is that correct?

25 A Right.

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3 Q And that was one study of one person?

4 A That was, yes. Then it came along with another,
5 and that made a series of two or three case
6 studies.

7 Q Is it a fair statement that within the medical
8 community, in order to determine cause and
9 effect relationship, epidemiological studies
10 are given greater weight than case studies?

11 A Yes, I think that's true. That's why over those
12 20 years that I mentioned no real attention was
13 paid to that kind of thing, because they were
14 simply isolated case studies.

15 Q Are you aware of when the first epidemiological
16 study was done with regard to the insulation
17 workers in the field, not textile workers or
18 workers in mills but insulation workers in the
19 field?

20 MR. PATRICK: Again I interpose my
21 objection as to these questions going beyond
22 the scope of direct examination. Counsel
23 for Johns-Manville is aware, but I just
24 want to make it clear as to all the other
25 Defendants.

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3 A I'm not really aware of it, but the first one that
4 I know of that dealt with insulation workers was
5 the Fleischner-Drinker Study, and that was in the
6 sixties, I think.

7 Q And what were the conclusions of that study?

8 A I can almost quote Drinker as saying that the
9 occupation in the shipyard did not pose any
10 serious hazard.

11 Q And this is the same Dr. Drinker who was later
12 the editor of the publication where your study
13 was eventually printed?

14 A Yes.

15 Q I believe the Fleischner-Drinker Report was in the
16 middle to late forties.

17 A Oh, was it?

18 Q You also talked earlier in your testimony about
19 some reports out of England, out of Great Britain.

20 A Yes.

21 Q As I understand it, in the 1950's, around the
22 time that you did your report, there was a dispute
23 among medical people as to whether or not the
24 type of asbestos used in England would affect
25 people the same way as the type of asbestos used

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3 in the United States. Is that not correct?

4 A I don't know whether there was a dispute, but
5 there was a difference of opinion, that's true,
6 and it has been since then generally acknowledged
7 that crocidolite, the African type of asbestos,
8 is more damaging, more toxic, if you will.

9 Q Now I'm trying to go back to the mid-fifties.

10 As I understand it, at that time there were
11 medical people on both sides of the argument as
12 to whether or not American workers would get the
13 same results or get the same effects as British
14 workers because we were using asbestos that was
15 mined in Canada while in Britain they were using
16 asbestos that was mined in South Africa. Is
17 that not correct?18 MR. PATRICK: I object to that question
19 as being inaccurately based.20 A I can't really answer it, either. I know there
21 were differences of opinion. I don't know
22 whether they were based on the type of asbestos
23 at that time.

24 MR. IWLER: No further questions.

25 MR. MILLER: Mr. Patrick, you started

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3 this. Do you want to finish it?

4 MR. PATRICK: I don't have any further
5 questions.

6 -----

7 (Thereupon, the above deposition
8 concluded at 2:40 p.m.)

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CERTIFICATE
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6 I, Dr. Daniel Carl Braun, do hereby certify that
7 I have read the foregoing transcript, containing
8 129 pages of testimony, and it is a true and correct
9 copy of my deposition, except for the changes, if any,
10 made by me on the attached Deposition Correction Sheet.

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14 Dr. Daniel Carl Braun
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16 Date: June 10, 1987
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2 COMMONWEALTH OF PENNSYLVANIA)
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CERTIFICATE

I, Richard E. Powers, a notary public in and for the Commonwealth of Pennsylvania, do hereby certify that the witness, Dr. Daniel Carl Braun, was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth; that the foregoing deposition was taken at the time and place stated herein; and that the said deposition was recorded stenographically by me and then reduced to typewriting under my direction, and constitutes a true record of the testimony given by said witness.

I further certify that I am not a relative, employee or attorney of any of the parties, or a relative or employee of either counsel, and that I am in no way interested, directly or indirectly, in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 1 st day of

February, 1985.



RICHARD E. POWERS, NOTARY PUBLIC
PITTSBURGH, ALLEGHENY COUNTY
MY COMMISSION EXPIRES MARCH 10, 1987
Member, Pennsylvania Association of Notaries